

MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND ENFORCEMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING

1001 I STREET

2ND FLOOR

SIERRA HEARING ROOM

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MONDAY, AUGUST 12, 2002

9:00 A.M.

JAMES F. PETERS, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Michael Paparian, Chairperson

Steven R. Jones

Jose Medina

David A. Roberti

STAFF

Julie Nauman, Acting Chief Deputy Director

Scott Walker, Acting Deputy Director

Elliot Block, Staff Counsel

Michel Bledsoe

Mark de Bie

Tad Gebrehawariat

Bob Holmes

Diane Ohiosuma

Leslie Newton Reed

Allison Reynolds

Jeff Watson

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PROCEEDINGS

CHAIRPERSON PAPARIAN: Welcome to the Permitting and Enforcement Committee meeting.

Before we get started, we have a quite a few people in the room. If you have a cell phone or a pager, if you could turn it off so it doesn't disturb us during the hearing, that would be appreciated.

If you want to speak on an item, please fill out a speaker's slip -- we have some in the back of the room -- and give it to Ms. Farrell right here, and she'll take care of providing it to us.

Before we have Mr. Walker give his Deputy Director's report I want to again thank the staff for the excellent workshop on LEA issues last month. I think that came off very well. And I think we learned quite a bit from it.

At our September meeting of this Committee we're planning to have another workshop. That workshop is going to be to explore the capacity issue and some of the new reporting that's going to be going on related to capacity.

The September meeting of this Committee, because of some scheduling issues involving the NRC conference in Texas, we're going to be moving the P&E Committee to September 4th, which is a Wednesday from our usual day. And it's at that -- on that date at the conclusion of the

1 regular items that we'll have the capacity workshop.

2 We don't have the panel completely confirmed yet
3 for that workshop, but we're going to be having
4 representatives from local government, industry, LEA's and
5 rural jurisdictions. If anybody has any thoughts on
6 panelists for that workshop, please let me know because I
7 want it to be as valuable and informative to all of us as
8 possible.

9 So as we get started here -- I forgot to call the
10 roll at the beginning of the meeting.

11 So if the secretary would call the roll.

12 SECRETARY FARRELL: Jones?

13 COMMITTEE MEMBER JONES: Here.

14 SECRETARY FARRELL: Medina?

15 COMMITTEE MEMBER MEDINA: Here.

16 SECRETARY FARRELL: Roberti?

17 Paparian?

18 CHAIRPERSON PAPARIAN: Here.

19 And I should also call for ex partes.

20 Mr. Jones.

21 COMMITTEE MEMBER JONES: A letter I received this
22 morning from the Alameda County Public Works, Teresa Eade,
23 on the compost regs, and then a FAX from Paul Ryan on
24 Class A and B sewer sludge.

25 CHAIRPERSON PAPARIAN: And Mr. Medina.

1 COMMITTEE MEMBER MEDINA: None to report at this
2 time.

3 CHAIRPERSON PAPARIAN: And I had a just brief
4 general conversation with John Cups.

5 Also before we get started, any of the other
6 Board members have anything they'd like to add or report
7 before we get going?

8 No.

9 Okay.

10 Mr. Walker, our Deputy Director's report.

11 ACTING DEPUTY DIRECTOR WALKER: Thank you.

12 First item -- I just have a couple items. The
13 first item is to just give you an update on our upcoming
14 6th annual LEA Partnership Conference, which will be
15 August 26th through 28th. And the P&E Division is putting
16 this together with the final touches. And it's really
17 coming together quite well. Sharon Anderson and her staff
18 have been doing a really good job of putting that
19 together.

20 And this conference is a key element in ensuring
21 our continued success with the LEA/Board Partnership. And
22 arguably this is the best model of local government and
23 state environmental program interaction in the State. So
24 that's good news that that's coming together.

25 The second item, just a brief update on some

1 solid waste clean-up program projects, AB 2136 projects.
2 I don't know if you remember the Quint Street burn dump
3 matching grant in an urban area sensitive land use in the
4 city of San Diego. That project has been completed. The
5 physical work has been done. It's gone really well. So
6 that's really good news.

7 The second project is the Sonoma -- the city of
8 Sonoma burn dump. That's Board managed. And that's
9 getting wrapped up within the next couple weeks. And
10 we're going to be able to remove all the waste for proper
11 disposal. And Lono Tyson and Todd Thalhamer have done a
12 really good job. And they've actually gotten EPA to come
13 in and spend about \$700,000 of their own money to make
14 sure that all the waste is removed. And the city of
15 Sonoma is real happy with that too. So that's real good
16 news too.

17 The final item I have is to report, with
18 pleasure, that BKK Landfill final closure post-closure
19 maintenance plans are now fully approved. For those of
20 you who were here in the early to mid-nineties, the BKK
21 Landfill was a very controversial facility that closed in
22 1996.

23 The final plans includes initial development of a
24 sports complex by the city of West Covina, followed in the
25 future by a golf course that will be constructed in part

1 on the landfill.

2 This is a project that will likely serve as an
3 environmental model for successful conversion of a closed
4 urban landfill to productive uses that benefit the
5 community.

6 If you ever drive down Azusa Boulevard and you're
7 at Amar in West Covina, take a look to the northeast and
8 you're going to see the side slopes with lush landscaping
9 on the landfill. And this landscaping was incorporated in
10 an innovative final cover system constructed during
11 approved partial closure. And I just want to say that the
12 Board staff, LEA staff, and the BKK Corporation deserve a
13 lot of credit in getting this job going and done. So
14 that's another good news to report.

15 Unless there are any further questions, I'm going
16 to hand it back to the Chair.

17 CHAIRPERSON PAPARIAN: Any questions?

18 Now, I think on the order of the agenda today,
19 we're thinking of flipping a couple of items, right?

20 ACTING DEPUTY DIRECTOR WALKER: Right. Let me go
21 over just a couple changes in the agenda for you.

22 The first thing is Item E, Board Item 6, contract
23 award. That item is pulled. The RFK process could not
24 completed in time to recommend a contractor. And this
25 item will be resubmitted for the September Committee &

1 Board meeting. So that's the first change.

2 The switching is Item G, which is Board Item 8,
3 which is the public hearing for the Phase 1 C&D
4 regulations. That item we're requesting to hear before
5 Item F, or Board Item 7, which is the consideration of
6 15-day comment period for the organics materials proposed
7 regulations.

8 And also Item G, the C&D, staff are -- because of
9 the complexity of the issues, we're not able to provide a
10 specific recommended changes for 15-day comment period.
11 So that item will cover the public hearing for the 45-day.

12 CHAIRPERSON PAPARIAN: Okay. So when we get to
13 that item, if you could explain a little bit more what
14 that means.

15 ACTING DEPUTY DIRECTOR WALKER: We'll explain it
16 much further and give you a better context of that. But
17 those two items will be changed -- switched.

18 CHAIRPERSON PAPARIAN: Okay.

19 COMMITTEE MEMBER JONES: So on Item G, the C&D,
20 we're at 45-day public hearing, not a 15-day submittal?

21 ACTING DEPUTY DIRECTOR WALKER: Correct.

22 CHAIRPERSON PAPARIAN: Okay. Why don't we just
23 dive right into the regular items then.

24 ACTING DEPUTY DIRECTOR WALKER: Okay. Item D is
25 -- or, I'm sorry -- Item B is consideration of a revised

1 full solid waste facilities permit (transfer/processing
2 station) for the Innovative Waste Control Transfer
3 Processing Facility, Los Angeles County.

4 Tad will give the presentation.

5 MR. GEBREHAWARIAT: Good morning.

6 The proposed revised permit is to allow you for
7 the following changes:

8 Increase the permitted facilities size from 1.5
9 to 2.24 acres. And increase the permitted maximum daily
10 tonnage from 500 to 1,250 tons.

11 As we have presented in the table on Page 3-3 of
12 the Board agenda item, all of the requirements for the
13 revised -- proposed revised permit have been met.

14 Therefore, staff recommend that the Board adopt
15 Solid Waste Facility Permit Decision Number 2002-419,
16 concurring with the issuance of Solid Waste Facility
17 Permit Number 19DE0001.

18 Mr. Leonard Grossberg, the LEA for the city of
19 Vernon is here to answer any questions you may have.

20 And this concludes staff presentation.

21 CHAIRPERSON PAPARIAN: Thank you.

22 Any questions?

23 COMMITTEE MEMBER JONES: I have one.

24 CHAIRPERSON PAPARIAN: Mr. Jones.

25 COMMITTEE MEMBER JONES: Is the -- this facility

1 services an awful lot of jurisdictions.

2 Do we know how the DRS reporting is done? I mean
3 do they do it -- is the operator here to tell us how they
4 report tonnages to L.A. County? Since it's always an
5 issue every time we talk about base years or somebody not
6 being in compliance. This is one that services an awful
7 lot of jurisdictions.

8 MR. GROSSBERG: Good morning, Gentlemen. My
9 name's Leonard Grossberg. I'm the LEA with the city of
10 Vernon.

11 The operator is not here. So I don't know how to
12 answer that question. I do know that he has an electronic
13 method of reporting and he does break it down by
14 jurisdictions.

15 COMMITTEE MEMBER JONES: Good.

16 Okay. That's fine. I just -- everybody kind of
17 complains that they're getting waste, especially in the
18 L.A. region, assigned to them. And this is a pretty large
19 land -- transfer station.

20 So they do it electronically where they allocate
21 waste to each of the different jurisdictions?

22 MR. GROSSBERG: That is correct.

23 COMMITTEE MEMBER JONES: Perfect. Thanks.

24 Mr. Chair?

25 CHAIRPERSON PAPARIAN: Mr. Jones.

1 COMMITTEE MEMBER JONES: I'll move adoption of
2 Resolution 2002-419, consideration of revised full solid
3 waste facility permit for the Innovative Waste Control
4 Transfer and Processing Facility in L.A. County.

5 COMMITTEE MEMBER MEDINA: Second.

6 CHAIRPERSON PAPARIAN: Motion and a second.
7 Secretary, call the roll.

8 SECRETARY FARRELL: Jones?

9 COMMITTEE MEMBER JONES: Aye.

10 SECRETARY FARRELL: Medina?

11 COMMITTEE MEMBER MEDINA: Aye.

12 SECRETARY FARRELL: Paparian?

13 CHAIRPERSON PAPARIAN: Aye.

14 I think we'll leave the roll open for Mr.

15 Roberti.

16 And then this would be an item for the consent
17 calendar.

18 COMMITTEE MEMBER JONES: Great.

19 ACTING DEPUTY DIRECTOR WALKER: Item C, Board
20 Item 4, is consideration of a revised full solid waste
21 facilities permit (disposal facility) for San Timoteo
22 Sanitary Landfill, San Bernardino County.

23 CHAIRPERSON PAPARIAN: Mr. Walker, before you get
24 into this one, would you hold on for just a minute.

25 Mr. Roberti has joined us.

1 Senator Roberti.

2 Nice suit. We like your suit.

3 Do you have any ex partes, Senator?

4 COMMITTEE MEMBER ROBERTI: Yes. On Thursday,
5 August the 8th, I had a conference call with Ben --
6 Friday, August the 8th -- Thursday, August 8th. I had a
7 conference call with Mr. Chuck White of Waste Management.
8 Denise Delmatier of NorCal, Chuck Helget of Allied and
9 Cliff Berg of Allied, regarding -- the following issues
10 rather were discussed. The C&D inert regulations, the
11 compost regulations, and conformance findings for new
12 activities on permitted sites.

13 CHAIRPERSON PAPARIAN: Okay.

14 COMMITTEE MEMBER ROBERTI: And I believe that is
15 all I have.

16 CHAIRPERSON PAPARIAN: Okay. And then just
17 before you got here, Senator, we took up one item. It was
18 Item B related to the Innovative Waste Control Transfer
19 and Processing Facility in Los Angeles County. It was a
20 3-0 vote so far.

21 Would you like to add to the roll on that?

22 COMMITTEE MEMBER ROBERTI: Yes.

23 Aye.

24 CHAIRPERSON PAPARIAN: Okay. Roberti aye on that
25 one.

1 So that was 4-0 and recommended for consent.

2 Okay. You want to continue with item C.

3 ACTING DEPUTY DIRECTOR WALKER: Yes. Thank you.

4 COMMITTEE MEMBER MEDINA: Mr. Chair, before you
5 go on.

6 CHAIRPERSON PAPARIAN: Yes.

7 COMMITTEE MEMBER MEDINA: These same parties that
8 Senator Roberti mentioned, I met with. My staff has filed
9 a report already. But I do want to mention it at this
10 time.

11 CHAIRPERSON PAPARIAN: Okay. Thank you.

12 ACTING DEPUTY DIRECTOR WALKER: Again, Item C is
13 consideration of a revised full solid waste facilities
14 permit (disposal facility) for San Timoteo Sanitary
15 Landfill, San Bernardino County.

16 And Diane Ohiosumua will give the staff
17 presentation.

18 MS. OHIOSUMUA: The proposed permit would allow
19 for the clarification and the correction of
20 inconsistencies relating to design capacity and elevation;
21 the acceptance of D-watered sewage, sludge, and the use of
22 leachate for dust control; and additional hours for a site
23 activities.

24 Board staff has determined that all of the
25 requirements have been met. But please note a correction

1 on Page 1 of the Board Agenda Item Number 4 under the
2 setting heading. The nearest resident is approximately
3 800 feet from the permitted boundary of the facility, not
4 1,000 feet. There's a mobile home there.

5 Staff recommends that the Board adopt Solid Waste
6 Facility Permit Decision Number 2002-420, concurrence with
7 the issuance of a Solid Waste Facility Permit Number
8 36-AA-0087. Representatives from the San Bernardino
9 County LEA and the operator are here to answer your
10 questions.

11 That concludes staff's presentation.

12 CHAIRPERSON PAPARIAN: I had a couple questions.

13 Mr. Jones or Mr. Medina, do you have any
14 questions on this one?

15 COMMITTEE MEMBER MEDINA: I had -- in regard to
16 the mobile home, is that the only residence in close
17 proximity? Are there any other residences?

18 MS. OHIOSUMUA: There's a group of mobile
19 homes -- I mean -- there's like two mobile homes, but the
20 nearest mobile home is 800 feet and it is occupied.

21 COMMITTEE MEMBER MEDINA: Yes. And the second
22 mobile home?

23 MS. OHIOSUMUA: Is about 500 feet from that first
24 one.

25 COMMITTEE MEMBER MEDINA: And do we know how long

1 those mobile homes have been situated there?

2 MS. OHIOSUMUA: The operator can speak to that.

3 MR. WILLIAMS: Mike Williams, San Bernardino
4 County, Solid Waste Management Division.

5 I drove the perimeter road from the landfill to
6 take a look at the number of residents and about how far
7 they were from the landfill itself.

8 There are approximately 17 residents along that
9 road. And this mobile home is the closest. It's probably
10 about 19 -- late 50 -- 1950's, early 1960's mobile home.

11 There are two additional mobile homes that are
12 approximately probably 25 to 50 yards north of that site.
13 Appear to be on the same parcel. And they're probably a
14 19 late 60's, early 70's mobile home.

15 Most of the rest of the structures that are out
16 there are permanent-type structures, houses and what have
17 you.

18 COMMITTEE MEMBER MEDINA: And were the mobile
19 home residents noticed of this permit application?

20 MR. WILLIAMS: There was a notice in the paper, I
21 believe, when they did the original Neg Dec. And I'm not
22 sure -- I don't believe that they were notified on this
23 particular Committee meeting.

24 COMMITTEE MEMBER MEDINA: And you have not heard
25 from the residents?

1 MR. WILLIAMS: We have not heard from the
2 residents at all, no, sir.

3 COMMITTEE MEMBER MEDINA: Okay. Thank you.

4 MR. WILLIAMS: Yes, sir.

5 CHAIRPERSON PAPARIAN: Okay. I had a couple
6 questions. I'm not sure who's the appropriate person to
7 answer this.

8 But apparently this is related to a clarification
9 of inconsistencies related to the design capacity and
10 elevation, because inconsistencies between original
11 documents and a new Negative Declaration or something.
12 Could you just Explain what that's about?

13 MS. OHIOSUMUA: There are several documents where
14 there was inconsistencies with the design capacity and the
15 elevation. And they -- the operator put together initial
16 study to correct and clarify the elevation and the design
17 capacity and to bring it in line with the solid waste
18 facility permit. So the permit that's before -- the
19 proposed permit that's before the Board now will allow all
20 those documents to be consistent in terms of design
21 capacity and elevation.

22 CHAIRPERSON PAPARIAN: So when this was permitted
23 in 1995, it was permitted at 1950 feet and 14 million
24 cubic yards permitted?

25 MS. OHIOSUMUA: It was -- that's correct. The

1 permitted elevation was 950 feet mean sea level.

2 CHAIRPERSON PAPARIAN: Okay. At that time was
3 there -- were there inconsistencies in documents at that
4 time or did the inconsistencies come out after 1995?

5 MS. OHIOSUMUA: What happened is that in 1995
6 there were some inconsistencies. And that is why they had
7 to go at 19 -- they had to go -- in the permit it's at
8 1,950. At that time there was inconsistencies. So the
9 most they could get in that proposed permit was 1,950.
10 Although the environmental document, which was just one of
11 the documents, allowed them to go to twenty-one ten, which
12 is what they want now. So they're just trying to clarify.
13 They're just trying to make it consistent with those
14 documents. There was -- and that's why we're here today.

15 CHAIRPERSON PAPARIAN: Okay. The environmental
16 is what I'm getting at. Is the environmental document --
17 in 1995 when this was permitted the environmental document
18 said twenty-one ten?

19 MS. OHIOSUMUA: That's correct.

20 CHAIRPERSON PAPARIAN: And some other documents
21 did not?

22 MS. OHIOSUMUA: That's correct. And because of
23 that inconsistency in 1995, the solid waste facility
24 permit could not allow them to have the elevation that
25 that environmental document allowed them to have. So

1 today they've done initial study to make all the documents
2 consistent. And they're bringing -- the LEA is bringing a
3 proposed permit before the Board so that they can get that
4 elevation that was allowed in the environmental document.

5 I hope that's clear.

6 CHAIRPERSON PAPARIAN: Yeah Mr. de Bie.

7 MR. de BIE: Mark de Bie with Permitting and
8 Inspection Branch.

9 I can't speak to what happened in 1995 because I
10 wasn't involved with permitting at that time. But I can
11 tell you that typically in the scenario that Diane has
12 explained, when it does occur, where there are
13 inconsistencies in the record relative to limits,
14 typically the most conservative limit is utilized to
15 construct the permit. So my speculation is in '95 this
16 was the situation. There were -- that various numbers in
17 the CEQA document, in the closure plan, in the RDSI, in
18 various areas, and my speculation would be that the most
19 conservative number was utilized in setting a limit in the
20 permit.

21 However, in 2001 there was an effort made to sort
22 of recalibrate the record to indicate that the higher
23 limits that were expressed in some of this documentation
24 would not create any potential significant impacts. So
25 they did that through a CEQA process to, you know,

1 recalibrate things and bring it in line.

2 So everything should be straight after this.

3 CHAIRPERSON PAPARIAN: Okay. It sounds a little
4 bit like an expansion, not a corrective -- you're going up
5 by 50 percent.

6 MR. de BIE: Yeah. It sounds that way. But in
7 reality it's something that was previously reviewed in the
8 CEQA process and the approval was not granted for that
9 specific limit because of the record being inconsistent.

10 CHAIRPERSON PAPARIAN: Okay. Any other
11 questions?

12 Mr. Medina.

13 COMMITTEE MEMBER MEDINA: Yes. In 2001 there
14 were 20 State minimum-standard violations. Can you tell
15 me the nature of the violations and what has been done to
16 correct them?

17 MS. OHIOSUMUA: The nature of the violation had
18 to do with the RDSI, which is the report of site
19 information. And it also had to do with the operator's
20 submitting the revised or amended report. And there was a
21 delay in that submittal. And that's why the LEA continued
22 to violate them for it.

23 However, if the Board does approve this proposed
24 permit, which includes the draft joint technical document,
25 they will -- it will be taken care of. And the LEA has

1 not violated them in 2001 for those sections. I mean
2 2002. I'm sorry. Correction.

3 COMMITTEE MEMBER JONES: Mr. Chair?

4 CHAIRPERSON PAPARIAN: Mr. Jones.

5 COMMITTEE MEMBER JONES: I think one thing also
6 is that in 2001 I think was the transition year between
7 NorCal and Burrtec over a pretty controversial issue in
8 Southern Cal. So this was probably not at the top of
9 somebody's list. It was just taking over an entire
10 landfill system and operations. And the LEA's got an
11 obligation to write up the violation. So -- but I -- just
12 for clarification, Mr. Medina's question, that was right
13 at the time that NorCal was leaving, Burrtec was coming in
14 and taking over something that they had never done before,
15 which was operate a landfill. So I think the LEA did
16 their job. And now it looks like the operators or the
17 county did their job. But it's good that it was noted
18 that it took a while.

19 If there's no other questions, I'll move adoption
20 of Resolution 2002-420, consideration of a revised full
21 solid waste facility permit for San Timoteo Landfill in
22 San Bernardino County.

23 COMMITTEE MEMBER MEDINA: Second.

24 CHAIRPERSON PAPARIAN: There's been a motion and
25 a second.

1 Secretary, call the roll.

2 SECRETARY FARRELL: Jones?

3 COMMITTEE MEMBER JONES: Aye.

4 SECRETARY FARRELL: Medina?

5 COMMITTEE MEMBER MEDINA: Aye.

6 SECRETARY FARRELL: Roberti?

7 COMMITTEE MEMBER ROBERTI: Aye.

8 SECRETARY FARRELL: Paparian?

9 CHAIRPERSON PAPARIAN: Aye.

10 This is one I think for consent.

11 COMMITTEE MEMBER JONES: Yes, sir.

12 CHAIRPERSON PAPARIAN: Okay, next.

13 ACTING DEPUTY DIRECTOR WALKER: Item D is
14 consideration of a Revised Full Solid Waste Facilities
15 Permit (disposal facility) for the Toland Road Landfill,
16 Ventura County.

17 Leslee Newton-Reed will give the staff
18 presentation.

19 MS. NEWTON-REED: Good morning.

20 The Toland Road Landfill has proposed a permit
21 that would allow:

22 An increase of 2.5 acres in permitted landfill
23 boundary, from 214 acres to 216.5 acres.

24 Also, an increase of 5.4 acres in the disposal
25 footprint, going from 86 acres to 91.4 acres.

1 An addition of sewage sludge to the permit. This
2 addition is intend to correct an oversight to the 1996
3 permit.

4 The Ventura Regional Sanitation District, the
5 landfill owner and operator, certified an Environmental
6 Impact Report for expansion of Toland Road Landfill in
7 1996. The Ventura County Board of Supervisors approved a
8 conditional-use permit. And the Waste Board concurred on
9 a solid waste facilities permit later in 1996.

10 In July 2002, VRSD develop an addendum to the
11 final environmental impact report to reflect the changes
12 in the project, which are included in the proposed permit.

13 The LEA has determined that the final
14 environmental impact report as amended is consistent with
15 the proposed permit. Board staff agree with the LEA's
16 determination and find that all requirements have been
17 met.

18 Therefore, staff recommend the Board adopt Solid
19 Waste Facility Permit Decision Number 2002-422, concurring
20 with the issuance of Solid Waste Facility Permit Number
21 56-AA-0005.

22 Representatives from the Ventura County LEA and
23 the operator are here to answer any of your questions.

24 Also the operator would like to say a few words
25 to the Committee.

1 CHAIRPERSON PAPARIAN: Okay. I have a speaker
2 slip I think from the operator, Mr. Mark Zirbel, from
3 Ventura Regional Sanitation District.

4 MR. ZIRBEL: Good morning, Mr. Chairman, Members
5 of the Committee. I'm Mark Zirbel, General Counsel for
6 Ventura Regional Sanitation District. And also with me
7 today is Gary Hayden, who's the Director of our Solid
8 Waste Management Department.

9 It's a privilege to appear before you. We're
10 basically just here to answer any questions you might
11 have.

12 One point that we wanted to emphasize after
13 discussing the matter with staff is the level of public
14 involvement with respect to the project that's before you
15 today. You might be aware of the fact that when we
16 appeared here in 1996 this was a controversial expansion
17 project. And the room was full and out into the hallway.
18 And I'm happy to report to you today that there's been a
19 change in attitude and in the relationship with the
20 community. There's no one here opposing this project.

21 A number of things that we did, just briefly, Mr.
22 Chairman, we began a public outreach program where we met
23 with the steering committee of the valley group, the
24 Toland group that had been involved in opposing the site,
25 meeting with them out in their homes and having them on

1 site.

2 And with particular reference to this Phase 2C
3 development we're talking about, those people were on site
4 looking at drawings, they're all part of the record, with
5 the technical addendum, to understand what we were doing;
6 and basically not only approve it, but embrace it because
7 it allows for improved landscaping and aesthetic view of
8 the canyon with the change in the configuration.

9 So the public's been involved. In addition of
10 course the county conducted a public hearing that was
11 fully noticed to all the property owners and the cities
12 and principal spokesmen for the group. And there was no
13 opposition heard at that hearing for this process as well.

14 I might also just add that of course Ventura
15 Regional Sanitation District is a public agency. Its
16 board members are one councilman from each city in the
17 district.

18 The two cities that opposed this project
19 originally have members that sit on the board and review
20 the planning for this project that's before you today and
21 voted in support of it.

22 So that it's a very different picture from the
23 picture that was here more than five -- I guess six years
24 ago now. And we're glad to present this to you and be
25 glad to answer any questions you might have.

1 CHAIRPERSON PAPARIAN: I certainly commend you
2 for your efforts. I know community outreach can be a
3 very, very difficult and challenging thing.

4 MR. ZIRBEL: I think we learned some lessons.

5 CHAIRPERSON PAPARIAN: Yeah. I think that by
6 doing so, obviously you can see the type of results today.

7 COMMITTEE MEMBER JONES: Mr. Chair?

8 CHAIRPERSON PAPARIAN: Questions?

9 Mr. Jones.

10 COMMITTEE MEMBER JONES: I think one thing that
11 he left out that really speaks a lot for this agency is
12 that the siting element for Ventura County was in dispute
13 back quite a few years ago. And Elliot and myself and
14 others worked with the Chairman of the Board of
15 Supervisors because our rules say that you will have a
16 hearing. After this explosion of 1996 they were really
17 faced with having to do another public outreach and
18 another hearing for the siting element in I think '98 --
19 '98 or '99. And there was apprehension on the part of the
20 county, but they did it.

21 And I think it really bodes well for you that we
22 don't have a room full of people and everything went
23 through. And I think you guys were straight up with
24 folks, and that's the way to do this.

25 MR. ZIRBEL: Yeah, that's the answer.

1 COMMITTEE MEMBER JONES: And I commend you.

2 And whoever that woman was that was -- I don't
3 remember her name -- the Chairman of the Board of
4 Supervisors -- she really worked hard to pull this off and
5 to get the votes to do that public hearing as opposed to
6 challenge it, and we appreciate that.

7 MR. ZIRBEL: One other thing, if I could, Mr.
8 Chairman, just -- I'd be remiss if I didn't thank Ray
9 Seamans and Mark Leslee for the fine work they've done.
10 We've submitted some material just in the last week,
11 additional material, and they've done a lot of work to get
12 ready for this hearing. And we thank them and you.

13 CHAIRPERSON PAPARIAN: Thank you.

14 If there's nothing else, is there a motion?

15 COMMITTEE MEMBER JONES: Mr. Chair, I'll move
16 adoption of Resolution 2002-422, consideration of Revised
17 Full Solid Waste Facility Permit for the Toland Road
18 Landfill in Ventura County.

19 COMMITTEE MEMBER MEDINA: Second.

20 CHAIRPERSON PAPARIAN: There's been a motion and
21 a second.

22 Secretary, call the roll.

23 SECRETARY FARRELL: Jones?

24 COMMITTEE MEMBER JONES: Aye.

25 SECRETARY FARRELL: Medina?

1 COMMITTEE MEMBER MEDINA: Aye.

2 SECRETARY FARRELL: Roberti?

3 COMMITTEE MEMBER ROBERTI: Aye.

4 SECRETARY FARRELL: Paparian?

5 CHAIRPERSON PAPARIAN: Aye.

6 I think this is an item for consent.

7 COMMITTEE MEMBER JONES: Mr. Chair?

8 CHAIRPERSON PAPARIAN: Yes.

9 COMMITTEE MEMBER JONES: Just one thing. On the
10 resolution we've got an "is" and "is not." So my motion
11 is that the Board finds the proposed permit is consistent
12 with CEQA. Okay? And we'll X-out the "is not."

13 Thanks.

14 CHAIRPERSON PAPARIAN: Thank you.

15 And this will be an item for consent.

16 Okay. We're ready.

17 ACTING DEPUTY DIRECTOR WALKER: Okay. Item E is
18 pulled. And so now we'll go to shift into Item G, which
19 is Board Item 8.

20 And item G is the public hearing and
21 consideration of adoption of proposed regulations for
22 construction and demolition and inert debris processing
23 tiered regulations; or approval to notice revisions to the
24 proposed regulations for a 15 day public comment period.

25 And again to just to give you a brief

1 introductory note on this, we originally planned to have
2 both the public hearing on the 45-day comment period for
3 this regulation package and a recommendation for noticing
4 proposed 15-day comment period changes, as the title
5 allows. However, given the extensive comments received
6 and the complexity of the issues, staff are not able to
7 recommend 15-day comment period changes at this time.

8 Staff will continue to work with stakeholders
9 based on the comments and also Board direction to bring
10 forward consideration of 15-day comment period changes for
11 the September Committee meeting.

12 Another notice to remind everyone that this item
13 addresses Phase 1 C&D regulations that cover transfer and
14 processing operations and facilities.

15 There's a Phase 2 C&D regulations that will cover
16 disposal operations. And they were approved for 45-day
17 noticing in April. And the notice is anticipated to be
18 released in early September, with the public hearing
19 projected for November.

20 With that, I will hand it off to Bob Holmes, who
21 will now proceed with the staff presentation.

22 CHAIRPERSON PAPARIAN: Before you do that, just
23 so we can be real clear to folks who may not fully
24 understand the process: In terms of the opportunities for
25 input in the times at which this will likely come back to

1 either this Committee or the full Board, can you just
2 review that real quickly.

3 ACTING DEPUTY DIRECTOR WALKER: Yes. As the
4 public hearing for the 45-day comment period, this
5 would -- requirements are specific to the 45-day comment
6 period. So that's what we're required to do.

7 Comments regarding potential 15-day comment
8 period changes are outside that scope. But clearly we
9 anticipate comments will lead in that direction and that
10 we will get some additional comments that we'll have to
11 separate out and use for our preparation for next month.
12 But the focus, the requirement is public hearing -- a
13 formal requirement that we're required by the Office of
14 Administrative Law for a public hearing on the 45-day
15 comment period.

16 CHAIRPERSON PAPARIAN: Okay. So after today what
17 will happen?

18 ACTING DEPUTY DIRECTOR WALKER: After today,
19 staff will compile the comments received here and the
20 additional direction that the Board -- that the Committee
21 may give. And we will compile that and then use that to
22 prepare 15-day comment period changes to come back for
23 consideration in September.

24 All the 45-day comment period -- public hearing
25 comments will also be compiled for our rule-making file.

1 So we would take this back, we would digest it, synthesize
2 it, and then come back again in September, hopefully for
3 consideration of 15-day comment period changes.

4 CHAIRPERSON PAPARIAN: Okay. So you'll take the
5 information you have today, the comments are already
6 received, the comments you're going to get today, you're
7 going to make possibly changes based on all these comments
8 and bring that back in September to this Committee?

9 ACTING DEPUTY DIRECTOR WALKER: Correct.

10 CHAIRPERSON PAPARIAN: Okay. And at that point
11 with further direction from the Committee they might then
12 go out for another 15-day comment period?

13 ACTING DEPUTY DIRECTOR WALKER: Correct. There
14 will not be a 15-day comment period triggered by this
15 meeting today. It will be as a result of consideration in
16 September.

17 CHAIRPERSON PAPARIAN: Then when they go out for
18 15-day comment period, at the end of that you might make
19 additional revisions based the 15 days of comments?

20 ACTING DEPUTY DIRECTOR WALKER: Right.

21 CHAIRPERSON PAPARIAN: That would then come back
22 to the Board later this year -- or to this Committee later
23 this year?

24 ACTING DEPUTY DIRECTOR WALKER: Correct.

25 CHAIRPERSON PAPARIAN: And would that likely be

1 for adoption at that point?

2 ACTING DEPUTY DIRECTOR WALKER: Well,
3 depending -- you know, we're always hopeful that -- but
4 it's not unusual to have more than one 15-day comment
5 period in regulation packages. So in other words, if we
6 come back after the 15-day comment period, say, in October
7 or November, it's possible that the Committee may request,
8 staff may recommend further changes for another 15-day
9 comment period. That is possible.

10 CHAIRPERSON PAPARIAN: Okay. So again for the
11 opportunities for people who want to have some input to
12 this, we have comments that have been made so far;
13 comments today; comments at an additional hearing in
14 September based on any revisions that happened in the next
15 few weeks; and if there's a 15-day comment period, then an
16 opportunity to make comments during that period?

17 ACTING DEPUTY DIRECTOR WALKER: Right. And in
18 the meantime I'd also like to remind the Committee too
19 that we have a work group -- you know, stakeholder
20 meetings and work group which are quite extensive with
21 this package that we'll continue to do to continue to try
22 to get this finalized.

23 CHAIRPERSON PAPARIAN: Okay. Mr. Jones, you have
24 a --

25 COMMITTEE MEMBER JONES: I just -- quick

1 question.

2 When we did the transfer station and recycling
3 regs we had about ten workshops. Because things were
4 pretty fluid, we couldn't get consensus, we had to work
5 through staff. This one it seems like every time we have
6 a meeting, and it comes back, it is changed considerably;
7 when I get another copy on my desk, that I'm not really
8 sure how those changes all happened. I mean the first one
9 that's the most troubling is that we've renamed it without
10 the Board having had a discussion on it. So -- I mean
11 when we struck "waste" and put in "debris." We don't
12 regulate debris; we regulate waste.

13 So we need to -- I mean I need to know how this
14 process is going to go. And I got a pretty good idea from
15 what was said. But it seems like we've had an awful lot
16 of workshops. And the letters have become more intense as
17 far as people -- and I mean people from the LEA's, the C&D
18 folks, the real C&D folks, the haulers, and then the,
19 quote-unquote, you know, "let us take anything we can
20 because we're going to do it for the good" letters -- that
21 we need to really make sure that this Committee has a full
22 picture of all those different types of points of view,
23 because -- and I think you've done a pretty good job with
24 a lot of the comments. But I'm always a little amazed
25 when I read these things, that I see changes that amaze --

1 surprise me because I'm not sure which group is getting --
2 who's being heard.

3 So if it's going to come back, that would make me
4 a lot more comfortable. Because that's the way we did it
5 in the transfer station regs. And I'll tell you, it took
6 a minimum of 10 workshops. And one of them was almost a
7 four-hour marathon when we finally got it nailed up
8 because the people that represented each group finally
9 understood there was a lot of room to mess around. And
10 they didn't want to see that happen. We're not there yet.
11 We're not even close to being there.

12 ACTING DEPUTY DIRECTOR WALKER: Yeah, I'd just
13 like to add that with the outreach there's a working
14 draft. But that's not -- obviously we're not here to
15 consider that working draft. We'll have to go back and
16 we'll have to bring back to the Committee the finalized
17 proposed changes, with all the public comments related to
18 that.

19 So that will occur.

20 COMMITTEE MEMBER JONES: Right. But I guess --
21 my concern is this was called C&D waste. It's called C&D
22 waste in statute. It's called C&D waste everywhere. And
23 then this working draft strikes "waste" and says "debris."
24 So now it becomes an argument against an existing statute,
25 which doesn't make sense to me. It should be that there

1 is a request to change it to "debris," and let the Board
2 make that decision, as opposed to having a fight and have
3 an argument about something that's clearly a change from
4 what's in statute. So that's where I get nervous.

5 ACTING DEPUTY DIRECTOR WALKER: Yeah.

6 COMMITTEE MEMBER ROBERTI: What is the
7 difference -- what does staff perceive the difference
8 between debris and waste?

9 ACTING DEPUTY DIRECTOR WALKER: I think what --
10 I'd like to request the Committee's indulgence, that that
11 is -- we're going to get into that. And I wondered if
12 perhaps --

13 COMMITTEE MEMBER ROBERTI: Today?

14 ACTING DEPUTY DIRECTOR WALKER: We're going to
15 have a staff presentation.

16 COMMITTEE MEMBER ROBERTI: Oh, okay. Fine.

17 ACTING DEPUTY DIRECTOR WALKER: And then we'll --
18 and we will have commenters come up on that. So we'll
19 have a lot more opportunity to discuss that, if that would
20 be fine with you.

21 Thank you.

22 CHAIRPERSON PAPARIAN: Okay. Thank you.

23 Mr. Holmes, go ahead.

24 MR. HOLMES: Bob Holmes with the Permitting and
25 Enforcement Committee.

1 You questions and our answers have pretty much
2 covered what I had planned to discuss with you briefly
3 this morning, which was just the stage of the rule-making
4 process that this phase of the C&D package was in, and the
5 opportunity for folks to have their input heard and have
6 staff respond to that.

7 The 45-day public comment period ran from may
8 31st to -- through July 15th of this year. And today is
9 the public hearing, which is a essentially just an
10 extension of that 45-day comment period to allow folks to
11 present orally or in writing additional comments or a
12 separate venue for them to provide comments if they do not
13 do so during the 45-day comment period.

14 I'd also would like to just briefly explain part
15 of the reason why we have shifted our recommendation today
16 to just ask you just hold the public hearing, not to seek
17 direction from you on the 15-day comment period. Part of
18 the reason is the volume of comments we got during the
19 45-day comment period and the two public workshops that
20 were held just after the end of that comment period, a
21 little bit more time for us to address those comments.

22 In particular an issue with regard to the receipt
23 of multiple sources -- waste from multiple sources that
24 are being chipped and ground.

25 We have realized that there is an issue, largely

1 is related to the source-dependent nature of the C&D
2 item -- the C&D regs, that is the C&D construction
3 demolition and inert material may receive materials that
4 are only from a C&D source. So a question arises, what if
5 I'm receiving material from a C&D source, some from a
6 residential curbside collection program, for example, or
7 from a source, say, a landscaper, what package -- what
8 permit am I required to, get what minimum standards must I
9 comply with? We have been working to make sure that these
10 two packages are consistent. And this is one that we
11 realize we wanted to have a little bit more time to work
12 out before we ask you to direct us to notice that language
13 for additional 15-day comment.

14 If there are no other questions, I would like to
15 hand it off to Allison Reynolds, who's been spearheading
16 this effort. She's going to go over a couple of the key
17 issues that were raised during the 45-day comment period
18 and the public workshops.

19 MS. REYNOLDS: Good morning, Committee Chair and
20 Committee Members. My name is Allison Reynolds.

21 The purpose of this item is to conduct a public
22 hearing as required by the rule-making process for the
23 Phase 1 construction and demolition and inert debris
24 processing tiered regulations.

25 In January 2002 the Board approved staff to

1 notice the Phase 1 regulations with the Office of
2 Administrative Law. The draft regulations were noticed on
3 May 31st, and the 45-day public comment period concluded
4 on July 15th.

5 In an effort to receive feedback on the notice
6 version of the regulations Board staff attended the May
7 Round Tables and held northern and southern California
8 workshops in July in order to solicit input around
9 resolvable key issues in the Phase 1 regulations.

10 The input from these workshop interactions
11 resulted in the latest draft version of the regulations,
12 dated August 8th, 2002. Staff e-mailed this latest draft
13 version to the interested parties distribution list
14 members on Thursday of last week. The revised draft
15 regulations were also posted on the Board's web site last
16 Friday to assist stakeholders in the review of the
17 regulations.

18 In the interests of time staff referred to the
19 many changes pursuant to public comment that are included
20 in the agenda item and addendum. I'll now address four
21 key changes that staff were unable to accommodate in the
22 draft version of the regulations since holding the
23 workshops.

24 Issue Number 1: Regulation of waste from a
25 particular activity versus regulation based on the nature

1 of the waste when it is disposed or processed. Because of
2 the direction given to staff by the Board to develop
3 regulations to address materials from the C&D and inert
4 debris waste stream, staff developed a C&D definition
5 which is limited to debris which comes from construction
6 work. However, C&D-like debris not resulting from
7 construction work, like manufacturing wood residuals from
8 cabinet making, would not be considered as C&D debris.

9 In addition, an operator may know the source of
10 the material because the material may look like it came
11 from C&D project, but may actually come from some other
12 sources as in the case of cabinet manufacturers and also
13 pallet distributors.

14 Broadening the definition to include more
15 C&D-like material could also assist efforts by staff to
16 integrate chipping and grinding activities in this
17 regulation package.

18 Incidentally staff removed the term "directly" to
19 assist third-party-transfer processing of debris found in
20 the removal -- and staff found that the removal of the
21 term may actually help in enabling the acceptance of
22 some --

23 COMMITTEE MEMBER ROBERTI: Mr. Chairman?

24 CHAIRPERSON PAPARIAN: Senator Roberti.

25 COMMITTEE MEMBER ROBERTI: Yeah, I'm still a

1 little confused.

2 In the proposed regs does the word "debris"
3 therefore include or not include items such as pallets or
4 I guess deconstructed cabinets that you were mentioning?

5 MS. REYNOLDS: It actually says that it results
6 from -- I guess you say directly -- but it results from
7 construction, remodeling, repair, demolition, or
8 deconstruction of buildings and other structures. And
9 they call it construction work. But it doesn't allow
10 from -- coming from manufacturers, say, into that, because
11 it's not remodeling, construction, or repair or demolition
12 or deconstruction.

13 COMMITTEE MEMBER ROBERTI: So that the current
14 regs will not allow that?

15 MS. REYNOLDS: It doesn't specifically.

16 COMMITTEE MEMBER ROBERTI: Your proposed regs?

17 MS. REYNOLDS: The proposed regs do not
18 specifically allow it. And --

19 COMMITTEE MEMBER ROBERTI: So there's really no
20 change in that area?

21 MS. REYNOLDS: No.

22 COMMITTEE MEMBER ROBERTI: So what happens when
23 you get --

24 MS. REYNOLDS: It's a problem.

25 COMMITTEE MEMBER ROBERTI: Well, assume we pass

1 these regs, what will happen?

2 It's a problem now. So I'm just interested.

3 Because obviously the type of material is something that I
4 know causes problems, both with all the facets of the
5 industry and the staffs. And I'm a little unclear as to
6 what is included.

7 MR. de BIE: Mark de Bie with Permitting and
8 Inspection.

9 Senator, we're very far away from asking you to
10 adopt these regs, so that there's probably going to be
11 loads of changes. Current -- and Allison's outlining
12 things that we've heard during the 45-day comment period
13 that we haven't -- have not addressed as yet. And that's
14 why she's highlighting it for you.

15 COMMITTEE MEMBER ROBERTI: So right now any
16 proposal that the staff is working on doesn't include
17 really more specificity on content of the material simply
18 because that's -- we're going out to comment on?

19 MR. de BIE: Yes, this is one issue that we're
20 grappling with. We see issues relative to the ability for
21 these regs to be implemented. Because if a material comes
22 in -- lumber comes in, it needs to be identified as coming
23 from a construction demolition site --

24 COMMITTEE MEMBER ROBERTI: What happens right
25 now? How is it counted?

1 MR. de BIE: Well --

2 COMMITTEE MEMBER ROBERTI: What's the process --

3 I know that's why we have the regs. But that's every --

4 MR. de BIE: That's why we're doing the regs,
5 because it's all over the map.

6 COMMITTEE MEMBER ROBERTI: -- yes, every -- well,
7 it's all over the map. But who makes the decision? Every
8 local entity?

9 MR. de BIE: Yes. The Board through an advisory
10 has generically advised LEA's to approach what have been
11 referred to as nontraditional facilities. And a facility
12 that's handling primarily construction demolition has been
13 listed as one of those. And to approach them in a
14 conservative way in terms of determining, you know, what
15 appropriate level of regulation they require. There are
16 some LEA's that have determined that certain sites needed
17 to be regulated currently and are currently regulated as
18 transfer stations. There are other sites that are not
19 being looked at at all until these regs determine the
20 appropriate tier and level of regulation required. So
21 it's all over the map right now.

22 What staff's reporting to you is that we're aware
23 of sites that would fall under these regulations that are
24 handling waste streams that are not 100 percent C&D source
25 materials. They are bringing you lumber from C&D. But

1 we're also aware they bring in lumber to fight materials
2 from other sources. So we're bringing that to your
3 attention that was part of the comments that we received
4 during the 45-day comment period.

5 COMMITTEE MEMBER ROBERTI: Thank you.

6 CHAIRPERSON PAPARIAN: Mr. Jones.

7 COMMITTEE MEMBER JONES: Thanks, Mr. Paparian.

8 Just quickly, the change to this source instead
9 of a definition, I think needs to be at least expressed on
10 how we got here. The regs mirror -- I mean if we were to
11 mirror the transfer station regs, it would have been at
12 100 tons. Anything over 100 tons wouldn't need a full
13 solid waste facility permit, which would have been just
14 fine with me.

15 We in San Francisco heard testimony that they
16 wanted to increase that, some as much as 300 to 500 tons.
17 But because there is so much illegal activity that happens
18 as far as hauling garbage, hauling other things to these
19 kinds of facilities, staff came up with this definition so
20 that it was clear that -- because they didn't want to
21 bring -- you know, they could take wood to any recycling
22 center right now today legally. If it was all wood, if it
23 was source separated, it would meet the first part of the
24 two-part test. It would be source separated; and if it
25 was less than 10-percent residual, then it could go to any

1 wood recycling facility in the State of California
2 legally.

3 What people talked about that day was they wanted
4 the ability to commingle everything into a bin. And
5 "everything" meaning whatever you want. And that was
6 where it was problematic. So in trying to say, either
7 hold it to 100 tons a day and you don't do the source, as
8 far as I'm concerned, you just do the definition; or if
9 you're going to have it over 100 tons a day, you define
10 where it's going to come from.

11 I'm sympathetic to what staff is saying about
12 cabinet shops, those types of things, coming in to a C&D
13 site. I don't have a problem with that.

14 But I have a problem when we start enabling
15 people to haul garbage under C&D regs. Because we had
16 this battle under the transfer station regs that took us
17 two years to make sure that we had that defined. And
18 we're a ways away because everybody's got a piece of this
19 thing, everybody wants to make sure that their market
20 share is covered. But we've got a bigger obligation, and
21 that's to the health and safety and trying -- you know, I
22 don't do that. I don't have a problem with that.

23 But I wanted to just put it into a context of how
24 we got here. Is that fair? Is that a pretty good recount
25 of what happened?

1 MS. REYNOLDS: Yeah, sure.

2 CHAIRPERSON PAPARIAN: You can say more or less,
3 yes.

4 You can go on.

5 MS. REYNOLDS: Thank you.

6 Well, staff removed the term "directly" to assist
7 in third party transfer processing of debris and found
8 that the removal of the term may actually help in enabling
9 of acceptance of some non-C&D source material if the
10 Committee agrees to change in the direction to accommodate
11 more C&D-like material.

12 And that's just one of the unresolvable issues
13 for staff right now.

14 Issue Number 2 is another --

15 COMMITTEE MEMBER ROBERTI: Give me that first
16 issue again.

17 MS. REYNOLDS: Regulation of waste from a
18 particular activity versus regulation based on the nature
19 of the waste.

20 COMMITTEE MEMBER ROBERTI: Okay.

21 MS. REYNOLDS: Issue 2 is: Another key issue
22 brought to staff's attention is the reluctance by some
23 industry stakeholders to accept the term "debris" versus
24 "waste."

25 Other industry stakeholders believe there's a

1 negative perception of the term "waste" within the C&D and
2 inert debris industry and among people they do business
3 with. So this source-separate, non-putrescible C&D
4 material contains a high degree of recycled materials as
5 well as inert debris, which makes it very unlike mixed
6 municipal solid waste.

7 The use of the term "debris" is consistent with
8 the word-of-art term "debris box," and Board staff note
9 that in all previous versions of the regulations, in 1998
10 through 2001, the term "debris" was used consistently
11 instead of "waste."

12 COMMITTEE MEMBER ROBERTI: In C&D regs?

13 MS. REYNOLDS: In the C&D regs.

14 COMMITTEE MEMBER ROBERTI: So if we adopted these
15 regs, we wouldn't have a definition of "waste" for C&D, as
16 such.

17 MS. REYNOLDS: We're using the term "debris" for
18 C&D definition.

19 COMMITTEE MEMBER ROBERTI: I understand that. So
20 there is no waste -- there is there is no word of art in
21 there "waste." So if I wanted to ask the question what's
22 the difference between "waste" and "debris," you wouldn't
23 be able to tell me because we don't really define waste.

24 MR. de BIE: There is no difference between waste
25 and debris because we're defining construction demolition

1 debris as means source-separated or separated-for-reuse
2 solid waste and recyclable materials.

3 So it's basically the same. It's just a
4 different term.

5 COMMITTEE MEMBER ROBERTI: And the word we use in
6 the current regs is -- what word do we use in the current
7 regs?

8 MR. de BIE: There are no definitions specific to
9 this waste stream in regulations.

10 In statute there's a definition of solid waste,
11 which does have a list of, by example, of waste types that
12 are included in the solid waste broad definition, that
13 includes a reference to construction demolition waste.
14 But there is no --

15 COMMITTEE MEMBER ROBERTI: So the statute says
16 construction demolition, makes a reference --

17 MR. de BIE: -- as a subset of solid waste.

18 COMMITTEE MEMBER ROBERTI: And from that subset,
19 we are -- our current regs flow?

20 MR. de BIE: Right. We believe we -- the Board
21 has authority and responsibility for regulating
22 construction demolition wastes, debris, because of the
23 reference in the statute that indicates that this is a
24 subset of solid waste.

25 But, again, as Allison indicated, we see a --

1 COMMITTEE MEMBER ROBERTI: And what again --

2 MR. de BIE: -- a difference between this waste
3 stream as we're trying to, you know, propose here in terms
4 of regulatory authority and responsibility and mixed solid
5 waste. It's a unique waste stream.

6 COMMITTEE MEMBER ROBERTI: And what again is the
7 reason for the preference to use the word "debris" over --

8 MR. de BIE: As Allison indicated, there is
9 connotations relative to the word "waste." If I'm a C&D
10 person and people view me as handling waste, it would be
11 less -- there'd be more issues with siting my facility,
12 those sorts of things.

13 It puts this material in the same context as
14 municipal solid waste, as MSW. Also, you know, it's staff
15 view that it's sort of a word of art. When you put a box
16 out to collect this material, you usually refer to it as a
17 debris box, not a waste box. So, you know, it's typically
18 used to refer to this waste stream. And again it's
19 uniquely different from MSW. It's much less putrescible;
20 higher quantities of recyclable materials, wood, metal,
21 plastics, those sorts of things.

22 Oh, and it contains usually a high volume of
23 inert material too as well.

24 CHAIRPERSON PAPARIAN: You indicated --

25 MR. de BIE: I just want to highlight too that --

1 and you may have missed it in Allison reference -- this is
2 the second time we've attempted to put regulations on the
3 books relative to C&D materials, waste, debris. And
4 originally we looked back, and the last version that was
5 noticed on the first time around for these regs used in
6 the definition "construction demolition waste" and then it
7 said, "or construction demolition debris." So the term
8 "debris" was being used, you know, back in '97, '98, '99,
9 when we were first going through these.

10 CHAIRPERSON PAPARIAN: Can I just follow-up on
11 one -- on the last interchange.

12 There would seem to be an indication that the C&D
13 stuff is a subset of waste, right?

14 So I would infer from that that the term "debris"
15 when used for the C&D stuff that "debris" equals "waste."

16 MR. de BIE: That's the way I would conclude too.
17 And if you read again the definition, it eventually says
18 this is solid waste. But it also indicates that it
19 contains a high level of recyclables or it indicates it's
20 a mixed bag. It's waste -- solid waste as well as
21 recyclables.

22 CHAIRPERSON PAPARIAN: Okay. So in terms of the
23 real world impact of the word "debris," it sounds like
24 it's your intention that it simply be essentially a
25 cosmetic word, that it be for purposes of labeling debris

1 boxes and letting the public or businesses know that this
2 is for something that's called debris, not waste. But in
3 terms of either State or local regulation, it would be
4 considered a waste.

5 MR. de BIE: Correct, yes.

6 CHAIRPERSON: Mr. Bledsoe I think wants to --

7 STAFF COUNSEL BLEDSOE: Mike Bledsoe from the
8 Legal Office.

9 We had discussed this issue at some length in a
10 number of these workshops, but just recall anything --
11 under our statutes, anything that gets thrown away, that
12 is ultimately discarded, is solid waste, except for
13 hazardous material, radioactive material, and medical
14 wastes. So a piece of aluminum -- a billet of aluminum
15 ready to be used in a factory somewhere, if you throw it
16 away, it's solid waste.

17 So what we're trying to do by using the term "C&D
18 debris" is clarify that we're talking about a peculiar
19 waste stream from a peculiar source that includes some
20 materials that will be thrown away. And hopefully -- our
21 goal with these regulations is that hopefully a lot of
22 materials that will be recycled.

23 So it's simply an effort to identify a waste
24 stream in a simple manner so that everybody knows when
25 you're talking about C&D debris, you're talking about a

1 complex definition. But it's all material, as it stands
2 now, that comes from construction work of one sort or
3 another.

4 So that's all it is. It's an attempt to define
5 in a simple, clear way a particular waste stream that
6 includes a lot of recyclables.

7 CHAIRPERSON PAPARIAN: Okay. But in terms of how
8 this stuff would be viewed by either -- by LEA's or by us
9 or by local governments in whatever regulations or even
10 contracts that they might have, it would be considered a
11 waste?

12 STAFF COUNSEL BLEDSOE: If it's ultimately
13 disposed, yes, it's a waste. You know, I think -- if your
14 question is, "How does this affect my contract with the
15 city of West Covina to haul a certain waste stream?", I
16 think you ought to talk to those -- you know, ask that
17 question of the haulers and of the LEA, because we don't
18 involve ourselves with the local contracts. We're trying
19 to identify at a State level a particular waste.

20 CHAIRPERSON PAPARIAN: One of the issues that has
21 been brought to us is whether in adopting these
22 regulations we might have an impact on how this material
23 is viewed by local governments.

24 STAFF COUNSEL BLEDSOE: Right. And so I think we
25 should, you know, ask that question directly of them.

1 CHAIRPERSON PAPARIAN: Okay. Why don't you go
2 ahead.

3 COMMITTEE MEMBER JONES: Can I ask Mr. Bledsoe a
4 question, please?

5 CHAIRPERSON PAPARIAN: Go ahead, Mr. Jones.

6 COMMITTEE MEMBER JONES: It sounds almost like
7 it's a theory, because you're assuming that the things
8 that go in this debris box are going to consist of what
9 you've described, when in fact --

10 STAFF COUNSEL BLEDSOE: No, we're not.

11 I'm sorry.

12 COMMITTEE MEMBER JONES: So it could be all MSW.

13 And if it went into a debris box, you would term that
14 "debris" instead of municipal solid waste?

15 STAFF COUNSEL BLEDSOE: Absolutely not.

16 COMMITTEE MEMBER JONES: Well, I don't understand
17 then.

18 STAFF COUNSEL BLEDSOE: The phrase "debris box"
19 has no meaning in the proposed regulations.

20 COMMITTEE MEMBER JONES: That's where the logic
21 was coming from staff just a minute ago. And if I put a
22 debris box at TransAmerica building because the
23 compactor's broken and they fill it up with garbage, I
24 don't reterm it that it's not a debris box. It's still a
25 debris box. It will haul all sorts of things, including

1 hazardous wastes.

2 STAFF COUNSEL BLEDSOE: Right, it doesn't matter
3 what kind of box you put it in or what you call the box.
4 The waste stream is defined in the proposed regulations as
5 materials that result from construction work, which we've
6 defined further. And so it's not the fact that it gets
7 put into a, quote, debris box that determines whether or
8 not it's C&D debris.

9 The issue is: Where is that waste stream from
10 right now?

11 COMMITTEE MEMBER JONES: Understood. And all I'm
12 saying is, it's got that definition of where it's from for
13 a very simple reason, because people commingle garbage and
14 call it C&D. So that's where that def -- you know, that's
15 why we've got to be true to that -- we either got to be
16 true to that definition or true to a limitation on the
17 tonnage. Because there are an awful lot of things in a
18 C&D box -- and one other thing. Just because you pick it
19 up and take it somewhere doesn't make it a recyclable.
20 It's only a recyclable after it's been processed and taken
21 to somebody. We just can't lose site of that. You know,
22 the fact that we call it something, it's got to go to that
23 next step, which hopefully these transfer station and
24 processing regs will accomplish. But if it goes into a
25 pile and never gets -- nothing ever happens to it, then we

1 term that as garbage -- as MSW, right?

2 STAFF COUNSEL BLEDSOE: Right. And these
3 proposed regulations would treat that as disposal, yes.

4 COMMITTEE MEMBER JONES: Right. So we're
5 saying -- we're trying to say it's a debris unless you
6 don't live by the rules, and then it's MSW.

7 So that's all I'm saying, just we've got to be
8 consistent. We're on -- I can understand a lot of the
9 view points that debris. And I agree, once it's gone
10 through and been processed, it falls in that category.
11 But until then, it's MSW.

12 STAFF COUNSEL BLEDSOE: Okay. Thank you.

13 And if I could just make one other general
14 comment, just for the sake of clarity.

15 The issues that Allison is discussing right now
16 are not part of the set of regulations that is currently
17 subject to this 45-day public review, public hearing.
18 These are all issues that we want to work on over the
19 next, well, two weeks, I guess, so that we can come back
20 to you with a proposed version to send out for a 15-day
21 review.

22 MS. REYNOLDS: Issue Number 3: Another
23 outstanding key issue is a request by some stakeholders to
24 apply the second part test -- that's the less than
25 10-percent residual -- in addition to the first part test,

1 which is source-separated and separated for reuse; and the
2 third part test, which is less than 1-percent putrescible.
3 And that's to the CDI processing operations and
4 facilities.

5 Board staff has not approached a change in
6 proposed language to --

7 COMMITTEE MEMBER ROBERTI: The first part again,
8 it was less than 10-percent residuals?

9 MS. REYNOLDS: Yes, there's some stakeholders
10 that want to -- right now under CDI operations of
11 facility, we just have the first and the third part tests.
12 So it has to be source separated and it has to be less
13 than 1-percent putrescible. But some industry
14 stakeholders would like to add a third -- the middle one,
15 the second one, which is requiring less than 10-percent
16 residual. And I'll tell you what staff --

17 COMMITTEE MEMBER ROBERTI: Isn't all putrescible
18 residual?

19 MS. REYNOLDS: Yes. It should be, yes.

20 COMMITTEE MEMBER ROBERTI: Well, then I'm
21 confused since you're dealing with two numbers.

22 MS. REYNOLDS: Well, the --

23 COMMITTEE MEMBER ROBERTI: How does the
24 10-percent residual -- how is that any different than the
25 one-percent putrescible if putrescible and residual are

1 the same? Are we just -- wouldn't that just be hiking the
2 numbers?

3 MR. de BIE: No, it would not.

4 As Allison indicated, currently to define a
5 recycling center apart from a processing activity, we now
6 have -- we're layering in a four-part test for defining
7 those.

8 Part 1 of those -- traditionally for transfer
9 stations and recycling centers there was the 10-percent
10 residual requirement; that if you had over 10-percent
11 residual, you are not a recycler, you are now a processor
12 or a transfer station.

13 COMMITTEE MEMBER ROBERTI: Residuals -- I thought
14 residuals were putrescibles.

15 MR. de BIE: They are. In this case they would
16 be. With C&D -- that's where they go. We're not
17 allowing -- we're only allowing 1-percent putrescibles to
18 go into any facility, recycling center, processing, any
19 facility of putrescibles --

20 COMMITTEE MEMBER ROBERTI: Under the proposed
21 regs?

22 MR. de BIE: Yes.

23 COMMITTEE MEMBER ROBERTI: And what's the current
24 rule?

25 MR. de BIE: One percent for recycling centers

1 putrescible.

2 COMMITTEE MEMBER ROBERTI: The current reg is
3 1-percent putrescible --

4 MR. de BIE: -- putrescible for recycling
5 centers.

6 COMMITTEE MEMBER ROBERTI: But the proposed
7 reg -- and I understand -- is one percent putrescible as
8 well?

9 MR. de BIE: Current, yes. And also for applying
10 that to processors too.

11 COMMITTEE MEMBER ROBERTI: And we're applying
12 that to processors too.

13 MR. de BIE: The one percent currently is applied
14 to making a distinction between an entity that's recycling
15 and is completely outside the Board's responsibility, and
16 a transfer processing facility. We are also applying that
17 requirement to a facility that will be considered a
18 transfer processing facility of C&D, within our authority.
19 So we're saying that if you take in C&D and you're not a
20 recycler, but you're processing it, under our authority
21 you can -- you are still limited to one percent. Whereas,
22 with the transfer station requirements, they're
23 handling -- they could handle more than one percent.

24 COMMITTEE MEMBER ROBERTI: Under the currently
25 rule, if somebody went through a transfer station with --

1 if somebody goes to a transfer station with less than
2 1-percent putrescible, this -- it falls under the C&D
3 classification?

4 MR. de BIE: No. It has to come from a C&D
5 source, by definition. It's only one way of defining it,
6 is the one percent. There are other aspects to the
7 definition of C&D.

8 COMMITTEE MEMBER ROBERTI: But they're cumulative
9 definitions, aren't they?

10 MR. de BIE: Yes.

11 COMMITTEE MEMBER ROBERTI: Source separated?

12 MR. de BIE: Right.

13 COMMITTEE MEMBER ROBERTI: And 1-percent
14 putrescible?

15 MR. de BIE: Exactly.

16 COMMITTEE MEMBER ROBERTI: And right now that
17 two-part test applies to what kind of facilities again?

18 MR. de BIE: To making a distinction between
19 recycling activity and a transfer processing facility, as
20 well as the 10-percent residual. So it's a three-part
21 test that's being applied to transfers stations to
22 distinguish between them and recycling centers.

23 COMMITTEE MEMBER ROBERTI: Okay. But you've got
24 to answer this question again for me because I'm still in
25 the dark.

1 If residuals and putrescibles are essentially the
2 same thing?

3 MR. de BIE: Well, first of all, if you're a C&D
4 processor, you can't --

5 COMMITTEE MEMBER ROBERTI: All putrescibles are
6 residuals, am I right? But all residuals are not
7 putrescibles, right?

8 MR. de BIE: Yes.

9 COMMITTEE MEMBER ROBERTI: Okay. Give me the
10 example of a residual that's not a putrescible.

11 MR. de BIE: If I'm bringing in a load of C&D
12 material and I pull out 90 percent of this material and
13 recycle it and the remaining 10 percent goes to disposal,
14 I define that 10 percent as being residual, no matter what
15 it is.

16 COMMITTEE MEMBER ROBERTI: Yes. But I'm still
17 trying to figure out, it's -- but what -- what would it be
18 if it's not putrescible?

19 MR. de BIE: It could be anything. It could be
20 inert. It could be lumber. It could be any --
21 fiberglass.

22 COMMITTEE MEMBER ROBERTI: So it could be what we
23 could classify as C&D except we couldn't find a use for
24 it?

25 MR. de BIE: Well, depending on how they're set

1 up to recycle the material, there may be some material
2 they can't capture. And so it goes through their system
3 and comes out the back end, loaded up, taken to the
4 landfill. Some C&D sites might be set up just to recover
5 the wood portions and not the metal or plastics.

6 So it would depend on what they're set up to
7 capture at the time.

8 But, again, this is only a distinction between
9 recycling centers, completely outside the scope, and a
10 processor. What we've heard from commenters is please
11 apply the 10 percent to a processor. So that would be
12 similar to applying 10 percent to an MSW transfer station,
13 saying, "If you want to be an MSW transfer station, you
14 have to recycle 90 percent of your solid waste that comes
15 in." It would be a similar situation statement to the
16 C&D, "If you want to be a C&D processor, you have to
17 recycle 90 percent or more of the material you're taking
18 in or else you can't be a processor."

19 COMMITTEE MEMBER ROBERTI: I got it.

20 MS. REYNOLDS: So board staff have not approached
21 a change in proposed language to add a second part test
22 due to several reasons.

23 One reason is the difficulty on the part of EA's
24 to monitor residuals. But perhaps the second and stronger
25 reason for not changing proposed language is that these

1 operations and facilities will already have enforcement
2 oversight by the EA for public health, safety, and
3 environment, and have the same state minimum standards as
4 solid waste transfer stations, unlike recycling centers.
5 The only regulatory difference between CDI processing
6 operations and facilities and transfer processing
7 operations and facilities is the tonnage allowance for
8 each tier and material storage limits.

9 Any comments on that issue?

10 Issue 4: Lastly, some stakeholders have strongly
11 urged the return of the former 100 tons per day for a full
12 solid waste facilities permit from a previous informal
13 draft version of the regulations.

14 Board staff believe that the heavy weight of the
15 material and, more importantly, the non-putrescible nature
16 of C&D and inert debris creates significantly less public
17 health, safety, and tie environmental impacts than
18 municipal solid waste and, therefore, provides an
19 opportunity to justify higher tonnage amounts for
20 inclusion into the full permit tier.

21 However, some commenters and EA's have noticed
22 that CDI facilities typically do not require site-specific
23 conditions in their permit and could, therefore, be more
24 appropriately placed in the Registration tier. Placement
25 into the Registration tier requires the same state minimum

1 standards, monthly inspections, and requirement of load
2 checking as the Full permit tier requires.

3 As already mention by Bob Holmes, staff have more
4 work to do on the regulations in the area of chipping and
5 grinding integration. And between this meeting and the
6 next Committee meeting staff will continue to work with
7 stakeholders via a work group on any remaining issues and
8 will finalize a draft version of the regulations to be
9 brought forward to the September Committee meeting for
10 consideration for an additional 15-day comment period.

11 Staff is not prepared at this time to give an
12 in-depth presentation on all issues in regards to the
13 interim 15-day proposed version of the regulations dated
14 August 8th, and would like to defer to the September
15 Committee meeting for that presentation.

16 Are there any questions of staff regarding the
17 material covered?

18 Thank you.

19 CHAIRPERSON PAPARIAN: You ready to move on to
20 the comments?

21 I think we're going to need to take a break for
22 the court reporter. But before we do that, I have speaker
23 slips for about a dozen people, plus a possible music
24 group known as the Swig Players. I don't quite understood
25 who they are.

1 But can I get a indication? Are there people who
2 are intending to testify who haven't handed in speaker
3 slips yet? Could you raise your hand if you're thinking
4 you might testify.

5 1, 2, 3, 4, 5 -- so we have about 20 people, more
6 or less, who may want to testify.

7 What I'd like to do is ask you to limit your
8 testimony to three minutes. We did have a timer. So
9 maybe if you're -- we're going to take a break here in a
10 minute. But it might be a good opportunity to try to
11 consolidate your testimony a little bit, so that we're
12 able to hear from everybody who wants to speak.

13 So we'll take a 10-minute break right now. We'll
14 come back at twenty to eleven, and then we'll get into
15 public testimony.

16 (Thereupon a brief recess was taken.)

17 CHAIRPERSON PAPARIAN: Okay. We'll go ahead and
18 get started again.

19 Any ex partes, Mr. Roberti?

20 COMMITTEE MEMBER ROBERTI: I have communication
21 from California Refuse.

22 CHAIRPERSON PAPARIAN: Yeah, I think we all --
23 yeah, we all have this communication from the California
24 Refuse Removal Council, with attachments, dated August
25 12th.

1 COMMITTEE MEMBER ROBERTI: Right, on Item G.

2 And Mr. Evan Edgar regarding Item G as well.

3 And the city and county of -- and the Mobile
4 Debris Box Service, Mr. Dennis Webb, regarding I believe
5 Item G as well.

6 CHAIRPERSON PAPARIAN: Yeah, it appears to be.

7 Yep.

8 Mr. Medina, do you have any ex partes?

9 COMMITTEE MEMBER MEDINA: No.

10 CHAIRPERSON PAPARIAN: Mr. Jones.

11 COMMITTEE MEMBER JONES: Thanks, Mr. Paparian.

12 Mr. Frank Alegre, who operates a real good C&D
13 concrete facility, only.

14 CHAIRPERSON PAPARIAN: Okay. I have a number of
15 speaker slips. If anybody hasn't turned one in yet, if
16 you could fill one out and turn it into Ms. Farrell.

17 We'll start out with Mr. Sean Edgar, followed by
18 Bill Dobert, Victoria Tobiason, and Paul Ryan.

19 The timer -- I think you actually have some
20 indication there at the podium of the timer. And I'll be
21 attempting to operate it and giving you three minutes.
22 You should get and one-minute warning.

23 MR. SEAN EDGAR: Very good. Hopefully it's not
24 a two-minute warning.

25 Good morning, Mr. Chairman, Board Members. You

1 have copies of my testimony before you today. I'm Sean
2 Edgars speaking on behalf of the California Refuse Removal
3 Council.

4 To briefly answer Senator Roberti's question
5 prior to the break.

6 Senator, at a fully permitted transfer station,
7 whatever is inside that container that is acceptable at
8 that transfer station is effectively managed with
9 oversight by this Board and the local enforcement agency.

10 The distinction being, what we're talking about
11 here, is to allow that container, that could contain and
12 does contain everything in the world, as you'll see in the
13 attachment to my testimony, that's the control that
14 industry believes is needed.

15 We're respectfully requesting an additional
16 45-day comment period be granted based on the global
17 concerns, enunciated by both your staff and what you've
18 heard so far this morning, that the global issues we
19 believe cannot be all addressed within the confines that
20 we're limited under the 15-day process to address. So
21 we're respectfully asking your indulgence to go forward
22 with an additional 45-day period based on the global
23 comments.

24 Very briefly, CRRC member companies operate
25 successful C&D collection and recycling programs

1 throughout this state. It is this extensive experience
2 that leads us to the conclusion that commingled C&D waste
3 processing operations and facilities demand a high level
4 of oversight to protect the public health and safety.

5 You'll hear testimony that C&D waste is somewhat
6 benign -- it's a somewhat benign waste stream. As a
7 matter of fact we heard staff refer to it as
8 nontraditional. CRC wished to inform you that we are in
9 fact traditionalists. We have traditionally managed this
10 waste stream in a safe and effective manner, which is what
11 it demands.

12 As part of that recognition of this waste stream,
13 we submit to the Board that beyond the conventional wisdom
14 that says that everything in the world goes into these
15 containers, these boxes, no matter what we happen to call
16 the box, we know that everything in the world goes into
17 them, and specifically I draw your attention to the
18 attachment that has been prepared. And Page 2, waste
19 audit study for the building construction industry,
20 prepared for the precursor for the Department of Toxics,
21 and that lists a substantial list of materials that are
22 both found on construction sites and also in -- associated
23 with C&D wastes.

24 Key among those are all the key ingredients of a
25 disaster should they not be managed appropriately.

1 And in closing what I'll do is I'll just draw
2 your attention to Page 21 of the initial statement of
3 reasons for this regulatory package. And I quote from
4 there: "If not carried out properly, the handling,
5 storage, and disposal of C&D debris and inert debris could
6 have a negative effect on the public health, safety and
7 the environment."

8 Staff then references the transfer processing reg
9 package. And I quote, "Due to the similarity of handling
10 methods and equivalent threats to public health, safety
11 and the environment, these requirements are applied to
12 this article." Staff report did not say less, it did not
13 say diminimous. It said equivalent. And for that reason
14 we insist that this Board consider this to be what it is,
15 call it what it is. This is solid waste that demands a
16 high level of oversight.

17 And with that I close. And I'll be available to
18 answer any questions you may have.

19 Thank you.

20 CHAIRPERSON PAPARIAN: Thank you.

21 Good precedence sticking to three minutes there.

22 Mr. Bill Dobert.

23 MR. DOBERT: Thank you, Mr. Chairman and Board
24 Members. I'm Bill Dobert. I'm with Pleasanton Garbage
25 Service from Pleasanton, California, as well as the

1 current President of the CRRC Northern District and the
2 State.

3 We're a small collection company. We have a
4 solid waste facility permit. We have a transfer station.
5 We accept a lot of different materials. Those are the
6 rules. That's why we spent all the money, to abide by the
7 rules.

8 First of all, I'd like to concur with Sean Edgar
9 in terms of asking you for a continuance on the 45-day
10 period. Listening to Mr. Roberti and the rest of you,
11 there's a lot of work to be done.

12 I've got some pictures here and a few items I can
13 pass out there.

14 And I think what's important is that the regs are
15 going to be set up for what you anticipate to happen out
16 in the field, and you're making some assumptions on what
17 are happening in the field. I think it takes a while,
18 takes quite a bit of time to go out. And what I would ask
19 that you direct your staff to do over this period of this
20 period of time is to go out and visit facilities.

21 I represent -- I'm just here on behalf of
22 Pleasanton Garbage Service. But essentially the CRRC
23 represents just about every independently owned garbage
24 company in the State of California. And I think their
25 experience is going to be about the same that I'm going to

1 reflect to you.

2 What I would ask is that -- you can take our word
3 for it, you can listen to us talk about what we say is
4 going on out there. But what you need to do is come look
5 at those boxes, come look at the experience of the
6 materials.

7 In our facilities, we do have load checking. We
8 do have covered facilities.

9 What you've got there is an example of a
10 recycling facility. Tells about the material at the
11 bottom that it accepts. You would believe that this is
12 it, it's clean, nothing else is received. Now, I didn't
13 make any copies, but the last minute on Friday I went just
14 into our shop and pulled out some pictures of some boxes
15 that have been picked up just in our community that would
16 be brought into the facility as C&D. And essentially
17 what's in there are ways -- bags of garbage, you're going
18 to see fluorescent light tubes and the like. And they're
19 going to be coming into the facility, a facility like the
20 one you've seen, our facility, and they're going to claim
21 that they're C&D. Okay. That's just what the reality of
22 what's happening out there.

23 And what I'm asking for in the continuance is
24 that you once again direct staff to come out and see what
25 is happening in the state of California.

1 Thank you.

2 CHAIRPERSON PAPARIAN: Thank you.

3 Okay. Victoria Tobiason, followed by Paul Ryan,
4 followed by William Turley.

5 MS. TOBIASON: Good morning.

6 Victoria Tobiason. I am the General Manager of
7 Escondido Disposal and Escondido Resource Recovery, a
8 transfer station located in San Diego County.

9 I too am asking for a continuance prior to the
10 45-day clock starting, so that we can ask your staff to
11 come down and view what's in these boxes that we put out
12 as debris boxes, construction boxes, regardless of what
13 you call them.

14 It's key to -- and again not only what you call
15 the boxes and what you call that site, a deconstruction
16 site, regardless of where these boxes are placed. There
17 are things that go into those boxes that don't belong in
18 those boxes. We have a difficult time asking our people
19 on the curbside what to put out in their curbside
20 containers. It's more difficult, much more difficult
21 asking contractors to do the same, "Please don't put
22 anything but woods, concrete." Those are the things we
23 ask. However, when they're brought into our transfer
24 station, it contains much more than just what we have
25 asked. It contains things that are hazardous. We have a

1 screening program and a load-check program at the transfer
2 stations, as you know. So we're able to screen out a lot
3 of that material. But the point is, we place it there, we
4 talk to the contractors. Unfortunately, at nighttime,
5 off-hours, when the contractors aren't there, or the
6 people who they hire to load these boxes are putting
7 things in those box that again don't qualify as
8 deconstruction type material or, again, C&D.

9 Again, I would like to ask that you consider a
10 continuance to give us enough time to have your staff come
11 and look at truly what's in these boxes that you're
12 hearing that are simply C&D. It's not the case. There's
13 a lot more. And I think it would be very valuable for
14 your staff to come and look at that.

15 Thank you very much.

16 CHAIRPERSON PAPARIAN: Thank you.

17 Okay. Mr. Paul Ryan.

18 MR. RYAN: Honorable Chair and Board Members. I
19 won't restate the concerns and comments expressed by the
20 other members of CRRC. However, I do want to point out
21 several things.

22 On the dais you'll find copies of these pictures.
23 What these pictures represent are pictures straight from
24 the field, from several haulers in southern California.
25 And I want to point out several things. --

1 When we talk about commingled C&D, as expressed
2 in these pictures, we're really talking about mixed C&D
3 waste.

4 And further, most -- a lot of the people don't
5 talk about debris boxes. We talk about roll-out boxes. I
6 think it's important that we clarify the nomenclature and
7 also the definitions that we have for this material.

8 Secondly, as I've expressed in the past many
9 times based on my environmental health background, it's
10 important that we address the health and safety concerns
11 before we talk about softening the rule-making process to
12 allow additional kinds of facilities and operations.

13 I invite you and the staff during this period
14 where we -- we would hope that you would come and join
15 with the industry. We'd like to show you what's really
16 happening in the field, particularly in southern
17 California. And I think my counterparts in the north
18 would be willing to host opportunities for both you and
19 the staff to see what the real world is as materials come
20 into these -- into the roll-out boxes and then into the
21 facilities.

22 I think things have been considered on a much
23 lighter vein than they should be. We really need to have
24 the health and safety issues addressed. And it's our
25 opinion that we'd like to see 100 tons a day maintained

1 until we can get the health and safety issues resolved.

2 Thank you.

3 CHAIRPERSON PAPARIAN: Thank you.

4 Mr. William Turley, followed by Chuck Tobin,
5 followed by Charles White.

6 MR. TURLEY: Thank you very much for allowing me
7 to speak to you. I'm Bill Turley. I run the Construction
8 Materials Recycling Association. I am the antithesis of
9 everything you've heard so far. We represent the
10 recycling industry.

11 I have been working in this field for more than
12 ten years, promoting the recycling of construction and
13 demolition debris. In fact, in the first magazine I
14 did -- this is one I do now -- was called C&D Debris.

15 We do several projects within the recycling
16 industry. One of them shingle recycling -- I won't go
17 into all of our projects. But right now I'd like to talk
18 a little bit about what I see wrong with these regs.

19 Why did I fly seventeen hundred miles out here to
20 do this? Very important, because these are really screwed
21 up. We feel very strongly that we need another 45-day
22 continuance like the others our asking for, and we feel
23 this is two important to let go this quickly.

24 One of the problems we see is that we don't think
25 C&D is a dangerous material. No where else have I -- I

1 covered this nationally -- have I ever seen anyone call it
2 a dangerous material except when they want to have the --
3 can maintain control of the thing.

4 To putrescible limit, it's too low. We need
5 it -- some states have it up to 10 percent. That's too
6 high. Three percent would be more acceptable and more
7 realistic in the real world.

8 We also welcome you to come to our recycling
9 centers, if you'd like.

10 Residual of 10 percent may be not enough for
11 those doing added value stuff. Yeah, if you've got a
12 landfill and you're bringing the stuff in, you run it over
13 with a dozer a few times and call it ADC recycling,
14 perhaps you can do that. We don't consider that kind of
15 material recycling. Real recyclers don't consider it
16 that. But some who do might like that.

17 The source-separation requirement. Very
18 difficult, very naive, or very shrewd, depending upon your
19 viewpoint, because the material from a demolition site is
20 going to be very commingled and it will have to be taken
21 apart from professional sorters, and that is the kind of
22 people that we have in our industry, the C&D recycling
23 industry.

24 The permits. We feel the registration permit
25 strictly enforced on a level playing field is more than

1 enough to control this material. This is not different
2 than what others are saying. But we feel the registration
3 permit, strictly enforced -- we want regulation. We want
4 this kind of stuff. But we don't think the full solid
5 waste permit is necessary, and it will drive several out
6 of the business because of the requirements for public
7 hearings and stuff like that. The only reason these guys
8 want a solid waste permit is because they already got one
9 and they want to put the same onus back on these guys, and
10 they can maintain their control of the waste.

11 And, lastly, the financial impact will be very
12 great. I was ready to come up here today and ask you to
13 remove the phrase in there regarding that these regs are
14 supposed to promote C&D recycling, because I was offended
15 by that because that's what I do for a living and these
16 regs will not do it. However, with this continuance and a
17 chance to work and get this -- regs fixed, for now let's
18 leave it in there -- I respectfully ask that you leave it
19 in there. And then see what we can come up with next.

20 Thank you. And I will be around for questions.

21 COMMITTEE MEMBER JONES: I have a question for
22 the speaker.

23 CHAIRPERSON PAPARIAN: Mr. Jones.

24 MR. TURLEY: Yes, Mr. Jones.

25 COMMITTEE MEMBER JONES: You say that C&D --

1 seventeen hundred miles away is where?

2 MR. TURLEY: I live in Chicago, Illinois. We
3 have several members in this state.

4 COMMITTEE MEMBER JONES: Okay. We've got --
5 going back to at SWAMO a few years ago when U.S. EPA was
6 talking about lessening the regulations of C&D landfills,
7 every state jumped up on the east coast and said, "Don't
8 do it because all of the environmental problems that we
9 have in our states are not coming from MSW landfills,
10 they're coming from C&D landfills because nobody puts a
11 high standard on it." So it amazes me that we get
12 testimony that says this stuff doesn't have a problem, yet
13 we've got U.S. EPA and states saying that C&D landfills
14 create some of their biggest environmental problems.

15 MR. TURLEY: I imagine the landfills are a
16 problem. But our recycling centers are not, sir. I'd be
17 glad to bring you out to several on the East Coast that
18 are doing wonderful work.

19 COMMITTEE MEMBER JONES: What I'm trying to say
20 is they're a problem because they go from the generator to
21 the landfill, they leach, they create problems. That same
22 type of material that's causing the environmental problem
23 at a C&D landfill on the eastern seaboard is going to
24 create a problem in a transfer station in the State of
25 California.

1 MR. TURLEY: The material -- that's why you have
2 storage limits on it, to stop that kind of thing. And
3 also we don't have the problem putting a concrete pad
4 requirement or something like that on there. That would
5 be more equal.

6 COMMITTEE MEMBER JONES: As a true C&D recycler,
7 when you see the definition at the beginning of these regs
8 that say what something should come from, could you as a
9 true C&D recycler operate under those regs, under that
10 definition?

11 MR. TURLEY: As what I've read into that -- and I
12 have not studied it real close -- yeah, I think that we
13 could. There are some little nuances, and that's what we
14 hope this 45-day continuance is -- would be able to fix.

15 COMMITTEE MEMBER JONES: Okay. Thanks.

16 Thanks, Mr. Chair.

17 CHAIRPERSON PAPARIAN: Okay. Thank you.

18 MR. TURLEY: Thank you.

19 CHAIRPERSON PAPARIAN: Chuck Tobin, followed by
20 Charles White, followed by Chuck Helget, followed by Kelly
21 Ingalls.

22 MR. TOBIN: Good morning. My name's Chuck Tobin.
23 I'm here I representing Burrtec Waste Industries. We're a
24 privately owned waste company in southern California
25 servicing primarily Riverside, San Bernardino, and Los

1 Angeles Counties.

2 Couple of comments I'd like to make. And I think
3 Board Member Jones' comment is probably a good segue.

4 In the Phase 2, when you look at -- when you're
5 taking -- if you're having a C&D landfill, the design
6 requirements for a C&D landfill are exactly what they'd be
7 for a solid waste landfill for an otherwise trash
8 landfill. It would be a fully lined facility with all the
9 appropriate protections with it.

10 We're simply saying to extend that same concept
11 into Phase 1 and Phase 1 handling.

12 The real question is, as it's been posed here,
13 what's in that box? and the question of what are the
14 health and safety issues that are associated with the
15 materials that are in that box? We believe that there are
16 comparable health and safety issues as with any other
17 solid waste, and that is why we have asked that staff set
18 up a procedure whereby they come and look at the
19 facilities and see for themselves what's in the box and
20 bring with them whatever other technical resources they
21 need and either from Toxics or from any of the other State
22 agencies that are associated with this issue. We believe
23 that an examination of what's in the box will demonstrate
24 what our contention is, is that these materials do have
25 the same health and safety issues as regular solid waste.

1 The third item is is that in -- and I think
2 you've experienced it -- that the reg itself, proposed
3 reg, goes through this -- a revision process that's been
4 very difficult to be able to track. You know, we're
5 accustomed to red lines and those sorts of things. It's
6 hard to -- every time we get one, it seems to be different
7 in fundamental ways. And, consequently we'd like it, and
8 what we're asking for, is a 60-day continuance to perhaps
9 your October meeting with an eye towards then doing a
10 45-day review. We do believe that -- staff's indicated to
11 us that they intend to have perhaps a September workshop
12 with the stakeholders and that that would then provide a
13 more reasonable time period for you to continue this
14 discussion.

15 Thank you very much.

16 CHAIRPERSON PAPARIAN: Thank you.

17 Charles White.

18 MR. WHITE: Thank you, Mr. Chairman, Members of
19 the Board. Chuck White with Waste Management. Although
20 I'm wondering if we should be thinking about changing our
21 name to Debris Management after the discussions that I've
22 been hearing today.

23 I do have a number of pictures, but you've seen
24 them all before. The concern we have is with these
25 materials and these wastes, and making sure that they are

1 managed properly.

2 We have a number of points that have been
3 discussed, but I'll just mention them briefly.

4 The real key points for Waste Management is,
5 Number 1, we really feel strongly that this material is
6 C&D waste; it is more than debris. We believe that by
7 calling it C&D waste, you're being consistent with the
8 statute and the intent of the Legislature here in
9 California.

10 So we would urge that the definition be modified
11 to incorporate what we regulate -- you regulate as solid
12 waste.

13 We are strongly supportive of the four-part test
14 which is embodied into these regulations. However, there
15 is some work that needs to be done on that four-part test,
16 namely this 10-percent residual; which might be
17 appropriate for others types of waste, but for C&D waste I
18 think there's a question about whether that 10 percent is
19 a little bit too large because the kind of residuals --
20 and it goes to Senator Roberti's point -- is not just
21 necessarily putrescibles, although it could be
22 putrescibles, but it would many be times other types of
23 nonusable materials.

24 I do want to leave today with you a report which
25 we made reference to a couple times -- I have two copies;

1 I can always provide more if you're interested -- is this
2 waste audit study of the building construction industry
3 that was done by the Department of Toxics 10-years ago.
4 It is a 10-year old report and maybe there is new and
5 better information available, although I don't know what
6 it is. But this report does basically indicate that there
7 are over 60 types of toxic and potentially toxic materials
8 that are routinely used on construction sites and that
9 frequently end up being mismanaged and end up into your
10 debris bins for management as a waste.

11 And so I would strongly urge you to consider
12 the -- and which would show up in the residual
13 potentially. And you want to be careful to make sure that
14 this material is sorted and properly managed at the
15 facilities that are well regulated, well inspected, and
16 well controlled.

17 Which leads me to my third point, which is the
18 750 tons per day, which apparently we're being proposed,
19 up from 500. We believe that something closer to the 100
20 tons per day that is used for transfer and processing
21 regulations is appropriate for these kinds of C&D wastes.

22 And then, finally, the chipping and grinding
23 area, it needs a lot of work. The staff has mentioned
24 that. We certainly appreciate that. We would just like
25 some clarity as we proceed into a final rule of

1 understanding exactly how a chipping and grinding
2 operation would be regulated, particularly a chipping and
3 grinding operation that receives multiple different types
4 of wood waste, for example, for both the compostable,
5 noncompostable, C&D, from manufacturing wood waste. For
6 example, how would they be regulated if they were to chip
7 and grind all these kinds of materials? And we just plead
8 with you for some clarity before these regs are finally
9 adopted so we can understand how those operations would be
10 regulated.

11 Thank you very much.

12 CHAIRPERSON PAPARIAN: Thank you.

13 Chuck Helget, followed by Kelly Ingalls, Denise
14 Delmatier, Patrick Munoz, and Ken Barker.

15 MR. HELGET: Mr. Chairman, Member of the
16 Committee.

17 Four or five years ago when these regulations
18 were initially proposed the problems that were stated at
19 that time were health and safety concerns with facilities
20 that were setting up in jurisdictions of southern
21 California, northern California to process C&D materials
22 for a fee. They would accept these materials into a lot
23 sited in places that were typically unregulated, and then
24 shut them down or walk away.

25 And you ended up with operations that had a lot

1 of materials sitting in empty lots with neighbors
2 complaining. That's where the regulations started a long
3 time ago. And I don't think we've come very far away from
4 those health and safety concerns to this day.

5 You can hear from the testimony today that many
6 agree that the regulations that have been developed as
7 we've gone through this process have not reached a point
8 of maturity that they should be adopted. So starting
9 off -- and we would urge you to delay the regulations as
10 much as possible, allow more time.

11 But I would agree with Mr. Tobin on one account.
12 When he said that our facilities are regulated, he was
13 very accurate. They are regulated, full solid waste
14 facility permits. And I would submit to you that the C&D
15 processing facilities that he's talking about should be
16 regulated as well to the same level. The materials that
17 they handle are not any different than the materials that
18 we're handling; the processes that they're going through
19 are not any different than processes that we go through.
20 And we don't just process C&D for ADC.

21 So, again, we urge you to please consider
22 delaying these regulations, giving us a bit more time to
23 work on them.

24 Thank you.

25 CHAIRPERSON PAPARIAN: Thank you.

1 Kelly Ingalls.

2 MR. INGALLS: My name is Kelly Ingalls. I'm the
3 Regional Director of the Construction Materials Recycling
4 Association of Southern California; Mr. Turley's
5 counterpart in southern California.

6 Before being with CMRA I was with the City of Los
7 Angeles and I worked on the tiered regs in the working
8 group in 1998. So I have the full history on this issue.

9 And I'd just like to comment that the 1998-99
10 version was about 13-pages long and it only had two parts.
11 It since has doubled both in parts and in size. So that
12 is one of the issues, is this process is ongoing. And for
13 many of us, every time a new version comes out over the
14 e-mail, we look at it, we have to go through the process
15 of understanding regulations again. And one thing I would
16 argue for, regardless of the continuation, as long as they
17 have a set of regulations that is the final set of regs
18 that we can all read and understand and use.

19 Thank you.

20 I have a couple comments. Just sort of the
21 overall thing that I understood in 1998 is that the
22 purpose of these regulations -- proposed regs is to
23 encourage recycling and reuse of C&D debris and inert
24 debris that would otherwise be disposed. It is to enable
25 recycling and not to restrict it. That would be my

1 understanding of why these regulations were put into
2 place.

3 What is the alternative? You're either a scrap
4 metal recycler or a road base recycler or you have a full
5 solid waste facility permit. These regs are intended to
6 place different types of facilities into different types
7 of tiers that are appropriate.

8 Looking at the regulations that we have now, I
9 that we're still at the same place. You're either a scrap
10 metal recycler or a road base recycler or you get a full
11 solid waste facility permit. There is no place in
12 between.

13 Why do I say that? It is because the fourth
14 part -- I'm not going to go in order of parts -- the
15 fourth-part test, saying that materials have to be source
16 separated by material type into separate bins is totally
17 unrealistic, undoable, and no one will do it. Those types
18 of materials that come off of a demolition job are not
19 going to go into different sorted bins and go to a
20 facility. It is okay to separate construction materials
21 from the MSW waste stream. That first-part test is
22 reasonable. But the fourth part that says they're going
23 to be separated by material type will never happen. They
24 will go to landfills.

25 The third part test, the one-percent putrescible,

1 has nothing to do with reality either. Take a roofing
2 system. You're taking off a roof. Is one part of that
3 putrescible the wood that is coming with the roof? No,
4 it's probably about 25 to 50 percent of a roofing system
5 is going to have putrescible. So that one percent is not
6 the typical waste stream that you see coming off of
7 construction and demolition. It's just too low. No one's
8 going to do it. All those materials are going to go to
9 the landfill.

10 Adding Parts 1 and 3 to the tiers for the
11 processing facilities through the notification and
12 registration tiers, no one is going to be able to comply
13 with that. They're going to be so restricted that they're
14 going to have to have a full solid waste facility permit
15 as well. By adding that on in the 718 version, you're
16 going to have the same situation. You're either a
17 recycler outside the tiers or you're going to have a full
18 solid waste facility permit.

19 With that I would just say that with the way the
20 regulations are currently drafted is they're going to
21 decrease recycling, they're not going to support it. It
22 is going to hurt existing businesses. We want to increase
23 recycling. We want to protect the health and safety of
24 the public, but we also should keep in mind a subtext of
25 this. There are businesses out there that have invested

1 millions and millions of dollars, they're doing a good
2 job. CMRA is oppose to sham recycling. But the ones that
3 are doing a good job should not be closed out because of
4 these regulations. We shouldn't be closing businesses.
5 That is not the job of what these regulations are to do.

6 Thank you.

7 CHAIRPERSON PAPARIAN: Any questions?

8 Mr. Jones.

9 COMMITTEE MEMBER JONES: Thanks.

10 The wood in a roofing job does not typically
11 biodegrade quickly. And the regs say that the
12 putrescibles are for those materials that break down,
13 cause a nuance, those types of things. So I think it's
14 unfair to say because there's wood in a C&D load, that all
15 gets termed as putrescible, because it's not under our
16 regs. And that's --

17 MR. RYAN: How about cardboard? Cardboard that
18 comes from packaging when you're doing insulation during
19 the construction period, is that putrescible? I read the
20 definition of putrescible from the PRC and from what is in
21 here, and I'm not clear that carpeting and cardboard is
22 not a putrescible. If it's not a putrescible, I don't
23 have an issue with it.

24 COMMITTEE MEMBER JONES: Okay. Because we don't
25 term any of those as putrescibles.

1 MR. RYAN: Cardboard isn't a putrescible?

2 MR. HOLMES: It's the same test. Board Member
3 Jones is correct. You could have roofing material as it
4 comes off the roof that's in a dry state. It's not going
5 to decompose at a rate that's going to cause nuisance.
6 However, if that material is processed, ground up, it gets
7 rained on, there is a possibility that at that point it --
8 same thing with cardboard. So it has to do with the state
9 that the material is in at the time.

10 MR. RYAN: The only thing I would say to that is
11 that the definition of putrescible and what is not -- what
12 is and what's not should be very clear to define here so
13 that someone is not going to be in a situation where they
14 have cardboard, carpeting or some other type of material
15 that is potentially putrescible that may be under that
16 definition. That would be my issue with it, because they
17 should be able to get recycled.

18 COMMITTEE MEMBER JONES: Yeah. I mean you don't
19 want to support sham recyclers. But you've got -- you've
20 had members who have created problems. I think Sam --
21 whatever his name, what's the guy in --

22 MR. RYAN: We don't even invite him to our
23 meetings.

24 COMMITTEE MEMBER JONES: He was a member -- we
25 all have bad members in different trade associations. But

1 that's not the point. The point is you got a lot of good
2 ones, but you got some shammers too. And we got to make
3 sure we protect the public health and safety.

4 MR. RYAN: We certainly are in favor of that.

5 Thank you.

6 CHAIRPERSON PAPARIAN: Thank you.

7 Denise Delmatier, followed by Patrick Munoz, Ken
8 barker, and then Linda Falasco.

9 MS. DELMATIER: Mr. Chairman, Members of the
10 Board, Denise Delmatier with NorCal Waste Systems.

11 We also are asking for a continued new 45-day
12 comment period. We don't think these regulations are
13 fully baked. We think they're barely warmed over.

14 We also are supporting the definition of "solid
15 waste." We don't call this Board the California
16 Integrated Debris Management Board; we call this the
17 California Integrated Waste Management Board, and there's
18 a very good reason for that.

19 The statute defines solid waste, including
20 construction and demolition waste. In no where in the
21 definition under the statute is the word "debris"
22 utilized. All incoming materials at solid waste
23 facilities, including construction and demolition, are
24 clearly defined under the statutes as solid waste. Once
25 the processing has occurred and the wastes for purposes of

1 disposal are settled out, then the material becomes a
2 recyclable material and can indeed become exempt under the
3 regulations and the LEA oversight. But not until the
4 processing has been completed do we relinquish the
5 definition of solid waste and the oversight and legal
6 authority of the material of this Board and the LEA and
7 local agencies.

8 Now, based upon that statutory definition, all of
9 our contracts, all of our franchise agreements, all of our
10 permits are written based upon that statutory definition.
11 The impact potentially that calling the C&D something
12 because somebody thinks it doesn't sound quite nice enough
13 for them, but the statute clearly defines as a waste, has
14 tremendous implications to those existing agreements that
15 were negotiated in good faith.

16 We have the same health and safety issues at our
17 recycling facilities as the gentleman before me. We are
18 first and foremost a recycler. We are a waste collector.
19 We are a curbside collector and processor. But we are
20 first and foremost a recycler. As most of these Board
21 members know, we are in the process of establishing a very
22 large highly technical advanced C&D line over in San
23 Francisco. And we're investing millions in that facility.
24 But we expect others in the industry to do the right thing
25 and to be regulated accordingly to protect the public

1 health, safety and the environment, as well as the
2 integrity of the industry itself.

3 As Mr. Jones mentioned, there are bad actors out
4 there. We've seen those bad actors. We want to invest
5 fully in the Integrated Waste Management Act. We want to
6 divert materials accordingly under 939. But if we allow,
7 because someone doesn't want to be called a "waste" and
8 wants to be called a "debris," therefore, outside the
9 regulatory authority of certain aspects of this Board and
10 the LEA, then we are indeed jeopardizing the industry,
11 we're not promoting recycling, we are jeopardizing
12 recycling. And we don't think that's the appropriate tact
13 to go.

14 We also support the four-part test, as mentioned
15 earlier. We believe that the four-part test provides the
16 appropriate regulatory framework by which to ensure
17 protections for public health and safety. The 10-percent
18 residual is an important component of that. Ten-percent
19 garbage in addition to one-percent putrescible at a large
20 facility is a lot of garbage. That would go in a
21 Registration tier and mirror administrative oversight by
22 the LEA.

23 We encourage the Board to direct staff to work
24 with all stakeholders during the time intervening,
25 hopefully not going out for a 15 day at this time.

1 And I'd be happy to answer any questions.

2 CHAIRPERSON PAPARIAN: Thank you.

3 Ken Barker, followed by Linda Falasco, and then
4 Stephan Bledsoe.

5 MR. BARKER: Mr. Chairman and Board Members, I'm
6 from Hanson Aggregates in the Los Angeles area.

7 I originally came here to talk about our
8 stand-alone recycle sites that handle just asphalt and
9 concrete. We don't have any other facilities there. And
10 I was just going to discuss the 6-month and 18-month limit
11 on our stockpiles.

12 But the "waste" versus "debris" discussion is
13 also of importance to us since you had brought it up.

14 In addition to operating our stand-alone recycle
15 sites for asphalt and concrete, we have three active
16 mines, five portable crushers where we go to different --
17 we also contract out for our crushing, in addition to
18 having the permitted sites. And we have four mines that
19 are in various stages of reclamation.

20 On our sites that just have asphalt and concrete,
21 we take in the broken asphalt and concrete, which has
22 commercial value. It's not a waste. It's not even a
23 solid waste. It's not a garbage. It's not trash. It's
24 what we make our -- it's our raw material. And it's very
25 similar to what's in the street. I mean you walk and you

1 drive on asphalt. You walk and drive on the concrete.
2 This material is sand and gravel glued together. We use
3 it to make road base, and our process is crushing and
4 sizing.

5 Our product both coming in and going out does not
6 have any shelf life. So to impose a time limit on it
7 doesn't really make sense to us, from a safety standpoint
8 or from a use standpoint. And we request that there would
9 be no limit put on the amount of time we can store our
10 product, either before we crush it or after we crush it.

11 Going to the definition between debris and waste.
12 Los Angeles has an L.A. County waste management fee. Now,
13 I could see them, if you define our material as waste,
14 wanting to get that fee from the product that I recycle.
15 I don't know the intricacies of the law. But if you start
16 calling our debris waste, I'm going to have to hold my
17 wallet because they're going to start coming after us for
18 other taxes. And it also means our pits --

19 COMMITTEE MEMBER ROBERTI: What do you call it
20 now?

21 MR. BARKER: Debris -- inert debris. And that
22 means something to the water boards and that means
23 something to our neighbors. We say solid waste, they
24 default to garbage. You call somebody at the local lead
25 agency and say who regulates --

1 COMMITTEE MEMBER ROBERTI: Do you deal with any
2 kind of mixed waste?

3 MR. BARKER: No, we have load checkers that check
4 each load coming in. We don't -- we don't handle boxes.
5 We handle pickup trucks and larger trucks, and we inspect
6 each load. If it has anything we don't --

7 COMMITTEE MEMBER ROBERTI: You inspect yourself?

8 MR. BARKER: Yes. We can't make our product if
9 it has waste.

10 COMMITTEE MEMBER ROBERTI: I understand.

11 And so you pick up -- you pick up debris, you
12 inspect it. And you're saying under current definitions
13 it is defined -- is there any definition whereby it's
14 called debris right now? Or what's it called? I mean
15 what's --

16 MR. BARKER: Asphalt and concrete debris only.
17 That's what our sign says.

18 COMMITTEE MEMBER ROBERTI: Staff, statutorily
19 what would this be called? Is it called -- is it that
20 exception to the -- is that subsection under waste and we
21 call it C&D demolition material, whatever it is?

22 MR. de BIE: Mark de Bie with Permitting and
23 Inspection.

24 I believe the waste type that is being referred
25 to here is what we refer to as Type A inert material, in

1 the current version of the regs. I can't tell you for
2 sure what the references are in statute. I did look into
3 Title 27.

4 COMMITTEE MEMBER ROBERTI: Are Type A inerts, are
5 those --

6 MR. de BIE: That's what we're using as
7 definition --

8 COMMITTEE MEMBER ROBERTI: Type A inerts, are
9 those totally --

10 MR. de BIE: -- concrete, asphalt.

11 COMMITTEE MEMBER ROBERTI: Totally inert?

12 MR. de BIE: Totally. The inert of the inerts.

13 There is a reference in Title 27 in the Water
14 Board section that talks about inert wastes. They don't
15 refer to it in their regulations as inert debris. So we
16 would be --

17 COMMITTEE MEMBER ROBERTI: So the Water Board
18 refers to it as an inert waste?

19 MR. de BIE: In title 27, yeah.

20 I think the --

21 COMMITTEE MEMBER ROBERTI: But for our purposes,
22 we refer to it now as section -- Type A --

23 MR. de BIE: In the proposed regulations that
24 were noticed for 45 days --

25 COMMITTEE MEMBER ROBERTI: No, I don't mean the

1 proposed -- in our current regulations --

2 MR. de BIE: We don't make a reference to this
3 waste stream.

4 COMMITTEE MEMBER ROBERTI: We make no reference
5 at all to this --

6 MR. de BIE: We don't make a reference to this
7 waste stream in our current regulations.

8 COMMITTEE MEMBER ROBERTI: And it is not really
9 regulated by us right now?

10 MR. de BIE: It would -- because of the Board's
11 policy, a facility that process only this material is
12 waiting for these regs to determine level of regulation.

13 COMMITTEE MEMBER ROBERTI: But right now, right
14 now --

15 MR. de BIE: If an LEA wanted to enforce Title
16 14, they would use transfer station requirements on that
17 kind of facility right now. That's the only thing they
18 have available.

19 COMMITTEE MEMBER ROBERTI: So we have LEA
20 discretion right now?

21 MR. de BIE: And per the Board's direction.

22 COMMITTEE MEMBER ROBERTI: Yeah, I understand
23 that --

24 CHAIRPERSON PAPARIAN: Mr. Jones.

25 COMMITTEE MEMBER JONES: Thanks, Mr. Paparian.

1 Mr. Barker, this material that's coming in is
2 source separated. So you're saying the only material
3 you'd get is fully cured asphalt, concrete, dirt, rock?

4 MR. BARKER: We can't take dirt. The main -- our
5 main concern is asbestos. We look for asbestos pipe.
6 That's the type of debris we look --

7 COMMITTEE MEMBER JONES: That's the only thing
8 that could be commingled in it?

9 MR. BARKER: Well, I mean --

10 COMMITTEE MEMBER JONES: We're not talking about
11 the metal with the reinforcing metal or those types of
12 things because that will come out in your process?

13 MR. BARKER: People most likely try to camouflage
14 dirt. And we can't accept dirt.

15 COMMITTEE MEMBER JONES: The dirt will mess up
16 your screens or you have a prohibition from it?

17 MR. BARKER: No, it messes up our finished
18 product. We have to make a successful road base. If you
19 have dirt in it, it's not aggregate.

20 COMMITTEE MEMBER JONES: But your operation is a
21 source-separated operation at the point of acceptance?

22 MR. BARKER: Correct.

23 COMMITTEE MEMBER JONES: So clearly different
24 than somebody that puts a box out and takes anything and
25 just terms it C&D?

1 MR. BARKER: Absolutely.

2 COMMITTEE MEMBER JONES: Okay. Thank you.

3 MR. BARKER: And the other thing I might add, as
4 far as future sites. When we try to permit a site, it's
5 difficult. People don't particularly want to have a
6 recycling, even if it's asphalt and concrete, next to
7 them. And if we have to say we have to get a permit or
8 we're going to be taxed as solid waste, we're going to
9 have more complaints and more opposition, therefore fewer
10 sites.

11 COMMITTEE MEMBER ROBERTI: Mr. Chairman?

12 Thank you.

13 CHAIRPERSON PAPARIAN: Senator Roberti.

14 COMMITTEE MEMBER ROBERTI: I think this
15 gentleman's testimony, along with the industry testimony
16 we've heard earlier, sort of is a zeroing in for us of
17 what the issues are. And I don't see why staff when it
18 goes out, as I assume it will go out, to comment period
19 can't take into consideration, one, the fact that the
20 inert inerts -- since we're going to be -- we're going to
21 be looking at a whole -- at a new regulatory area, I
22 suspect. So why we can't take into consideration these
23 inert inerts, because they certainly don't fall into the
24 concern which some of the industry people have said, and
25 that is that waste is going to be recategorized as debris

1 when it's really MSW or whatever; and then come up with a
2 standard definition for the people who use these C&D or
3 debris boxes and put anything in it and as being within
4 our traditional definition of waste. Because I do
5 recognize a concern of people who have existing contracts
6 and all of a sudden -- it becomes kind of frightening when
7 you use a different word, even though the intent isn't to
8 upset anybody's contracts.

9 But this gentleman has a problem too. And I
10 don't see why we can't deal with both. I don't think it's
11 insurmountable. We come up with another section. But
12 we've talked about -- in the four years I've been on the
13 Board we've periodic had a meeting on inert inerts. And
14 it seems no reason why we can't have this little
15 classification.

16 ACTING DEPUTY DIRECTOR WALKER: Let me just touch
17 on this. Scott Walker, Permitting and Enforcement
18 Division.

19 What we'd like to do is take this -- we'll take
20 this input and we'll come back. When we come back in
21 September, we will consider options including restarting a
22 45-day comment period. And this topic we can take a crack
23 at and try to come back with some options.

24 MR. DeBie: And I just want to ensure Mr. Barker
25 here that, you know, a lot of the testimony you've been

1 hearing is about the mixed C&D, the wood, the metal,
2 includes inerts. I haven't heard any testimony about this
3 pure inert inerts in terms of calling it waste or debris.
4 So -- unless we here something there.

5 In the proposed regs that were noticed nor 45 day
6 there are separate definitions for this mixed C&D-type
7 material and inert material. So it's easy to do, through
8 these regs, to indicate that they are different and name
9 them differently if that's what it comes to. So the door
10 is open on that. And, as Mr. Walker said, certainly we
11 will be talking about that.

12 CHAIRPERSON PAPARIAN: Mr. Jones.

13 COMMITTEE MEMBER JONES: And in all likelihood
14 this meets the two-part test of our existing recycling
15 activity any way. It's a delivery of source-separated
16 material by type. And if it's got less than 10 percent,
17 it falls into a recycling category that preexists from our
18 transfer station regs. So we stay consistent with the
19 transfer station regs and how we can deal with this and
20 still make sure we don't categorize this as something
21 different. And it is very different than mixed C&D, very
22 different.

23 Although we've got to make sure on -- you know,
24 we're going to hear a list of people here pretty quick
25 that are under notice and orders, and one of them is a C&D

1 recycler that's got a whole loadful of contaminated soil.
2 But I know you have to deal with that through the Water
3 Board, right? I mean that's -- okay, thanks.

4 MR. BARKER: And I would like to offer, if any of
5 you want to come around to any of our sites, you're
6 certainly -- let me know and we'll set up a visit. We've
7 been doing this since the late seventies, so we've had a
8 little practice.

9 Thank you.

10 CHAIRPERSON PAPARIAN: Thank you, Mr. Barker.

11 Patrick Munoz -- I'm sorry, I skipped over him by
12 mistake. I'm sorry about that.

13 So Patrick Munoz followed by Linda Falasco,
14 Stephan Bledsoe, Evan Edgar, Steve Smith, and Frank, I
15 think it's Alegre; those are all the comment slips I have.
16 If anybody else is going to want to make a comment, make
17 sure you fill out a speaker slip and give it to Ms.
18 Farrell.

19 MR. MUNOZ: Thank you, Mr. Chairman. I certainly
20 hope that I wasn't skipped for the reason some of the
21 audience suggested to me, which was that you've already
22 heard too much from me already.

23 Your staff has asked for direction on a number of
24 issues. And rather than give you all of our broad views
25 on all these C&D regulations, which I've done in my

1 written comments for you to see, which I hope you had a
2 chance to review, I'd like to focus in on those areas
3 where they're looking for direction from you to give you
4 our perspective at least on those very specific issues.

5 But in doing that though I would like to ask that
6 you at least consider that it's our view that much of the
7 debate that you're hearing, has the two sides to this
8 argument, seems to be coming from what I would call the
9 have's and the have-not's.

10 The have's being those larger waste hauling
11 companies throughout the State who have a franchise
12 interest that they're trying to protect. They're trying
13 to protect their market share.

14 The have-not's would be people like my client,
15 Mass Material, the same person also owns a company called
16 We're Disposal, a small hauling company. But the
17 have-not's tend not to have large franchise interests.
18 Although it's not because they don't want to have them.
19 They're certainly working on that.

20 And as you consider the areas where direction is
21 needed, I think it's also important that you at least
22 consider some information that I have with respect to the
23 views of the governmental agencies in southern California.
24 I haven't really, you know, given the sense of the pulse
25 in northern California. But in the various workshops that

1 I've attended -- I've attended quite a few of them at this
2 point with the staff -- the San Diego County LEA, the
3 Orange County LEA, and the Los Angeles County LEA have all
4 expressed views and opinions that are similar with those
5 views and opinions of the have not's. And they I think
6 should be viewed by you as people who have an objective
7 interest in what's going on here instead of a
8 self-interest in the economics involved. I think that
9 that's an important factor.

10 The term "waste" versus "debris" is a first
11 issue. And, you know, Mr. Bledsoe I think was explaining
12 this concept earlier. But I'd like to elaborate a little
13 bit more on what he was talking about.

14 I think there is a very distinct and important
15 difference. One of the earlier speakers, just a few
16 speakers ago, representing one of the larger
17 conglomerate-type companies, indicated that there is a
18 concern about the impact on contracts. And we have a
19 similar concern. There is currently a State definition of
20 "construction waste." There's no reason to get rid of
21 that definition. That definition defines effectively
22 anything that comes from construction activity as
23 construction waste.

24 We need a second definition as well though --
25 construction debris. Why do we need a second definition?

1 Because you're not trying to regulate hauling as part of
2 this process. All you are trying to do is regulate that
3 subset of the waste stream, of construction waste stream
4 that may go into one of these types of facilities based on
5 the various different tiers.

6 Construction debris and construction waste may
7 not be the same. For instance, under your current
8 definition of construction waste it is possible to have
9 more than 10-percent putrescible material, more than 1
10 percent, more than 10 percent, more than 50-percent
11 putrescible material. If somehow that much putrescible
12 material were to be generated at a job site, which is
13 unusual, I will tell, in my mind, but if that were
14 occurring, there would be nothing that would prevent any
15 hauler who's entitled to haul construction waste under
16 current contracts and statutes to continue to haul that
17 construction waste. They couldn't take it to my
18 subclient's facility under these proposed regs. My client
19 wouldn't be interested in having it because you can't
20 recycle that material.

21 But there is a distinction between construction
22 waste and construction debris. My suggestion to you in
23 terms of giving direction to the staff is to leave the
24 definition of construction waste at 17225.15 and add a
25 definition in connection with these regulations of

1 construction debris. And indicate that it is that subset
2 of construction waste which may be processed at one of
3 these types of facilities as long as all the various
4 criteria are met.

5 With respect to the issue of the type of material
6 versus the source of the material. We recognize the
7 reality of the concerns that persons like Mr. Jones has
8 expressed in terms of making sure that we don't just
9 create big garbage dumps. We don't want to do that. We
10 have a suggested solution to that. We would like you to
11 leave the definition of construction debris as it is, but
12 add another category to it of material, that is a very,
13 very limited list of C&D-debris-like material, such as
14 wood from a manufacturing operation, metal from a
15 manufacturing operation. There's no reason to have these
16 very expensive and very, very successful recycling
17 operations out there that would be in violation of their
18 permits if they were to bring in a load of wood from a
19 furniture manufacturer. The impact of that will be to
20 make companies like my client, who would like to recycle
21 that material, get a transfer processing permit instead of
22 being able to operate under this permit. Which may be
23 what has to happen, I recognize that. But we believe it
24 would be better towards the goals of recycling to have a
25 very focused limited list of those materials that are C&D

1 debris like as materials that can also be processed at the
2 various tiers as long as you just stick to a very defined
3 list.

4 With respect to the tonnage limits --

5 CHAIRPERSON PAPARIAN: Mr. Munoz, if you could
6 try to wrap it up.

7 MR. MUNOZ: Yes, sir.

8 Tonnage limits, we're very supportive of the 750
9 ton limit. We think that the staff has come up with a
10 very good compromise by adding to the definition. And the
11 one-percent putrescible waste may not be a public
12 nuisance. What that means is if you go up to 750, you
13 don't necessarily get one percent of 750 of putrescible.
14 You only get that much putrescible material that does not
15 constitute a public nuisance. We think that's important.

16 We are concerned that the regulations are
17 proceeding in a vacuum without the disposal phase. There
18 is at least one term in here, the engineered fill site
19 term, that is actually pulled out of the disposal -- the
20 Phase 2 regulations. We don't know if that definition
21 will ever be adopted, if that type of an activity will
22 ever exist. It makes sense to bring them both together at
23 the same time.

24 And, finally -- we have mentioned this in the
25 past a number of times -- we're very concerned about some

1 sort of grandfathering language, something in writing
2 that's concrete, we can wrap our hands around to know that
3 we're not going to have to stop operating one day and wait
4 six months or a year or two months, or however long it
5 might take, to get the appropriate level permit.

6 Thank you for your time.

7 CHAIRPERSON PAPARIAN: Thank you very much.

8 Okay. Linda Falasco.

9 MS. FALASCO: Good morning. I'd like to thank
10 Senator -- former Senator Roberti for recognizing the
11 sensitivity of our concerns on the use of the word
12 "debris."

13 And I'd also like to thank Mr. Jones for
14 acknowledging the distinction of what we do as an industry
15 that recycles concrete and asphalt, yet protecting the
16 public's interests.

17 I'd like to assure you that we are already
18 regulated with financial assurances with respect to the
19 Surface Mining and Reclamation Act. Those financial
20 assurances are reviewed annually and adjusted. And we are
21 inspected annually.

22 Part of the purpose of this whole Regulation is
23 to encourage recycling. And what we do is limited
24 specific to recycling concrete and asphalt. And it's an
25 important opportunity to keep these materials from being

1 disposed in landfills. And there's also an incentive for
2 us in that it extends the life spans of these natural
3 aggregates.

4 And with that, I would like to support just
5 about -- I think the only thing that we've heard today
6 that is not controversial and, that is, to extend the
7 comment periods. I think September may be pretty
8 optimistic.

9 So with that I would like to thank you.

10 CHAIRPERSON PAPARIAN: Thank you.

11 Mr. Jones.

12 COMMITTEE MEMBER JONES: Thanks, Mr. Chair.

13 Just one quick question.

14 The aggregate folks that have a source of new
15 resources as well as are recycling those specific waste
16 streams fall into one category. But we have other
17 categories that stockpile concrete, stockpile asphalt, put
18 it wherever they can, and then somebody will go around --
19 somebody will actually get a job to clean up a site and
20 then start bringing in material from other sites and
21 stockpiling on there. That becomes the rub of trying to
22 make sure that this is one type of reg -- you know, one
23 type of need because of your financial assurances and
24 those things versus those that do a very similar job but
25 could make a pile and leave the pile.

1 MS. FALASCO: Well, I'm confident with a little
2 extra time and effort we can be precise about meeting both
3 objectives.

4 COMMITTEE MEMBER JONES: But do you see those as
5 two very different operations?

6 MS. FALASCO: Yes.

7 COMMITTEE MEMBER JONES: Okay. Thanks.

8 CHAIRPERSON PAPARIAN: Thank you very much.
9 Stephan Bledsoe.

10 STAFF COUNSEL BLEDSOE: I think I can do this in
11 one minute.

12 I'm following the folks that basically do the
13 same thing. I represent Southern California Rock Products
14 and Ready Mix Concrete Association.

15 And, yes -- you know, I don't seem to think I've
16 heard anybody say this, but I think your staff has done a
17 really great job. Talk about land mines. You know, no
18 matter who you step -- know matter where you step, you're
19 stepping on somebody else.

20 I think we represent those folks that deal inerts
21 as well. And I think we're trying to make that
22 distinction of inert inerts versus C&D inserts, between
23 debris and inerts and -- anyway, the long and short of it
24 is we need to make those materials that we're dealing with
25 quite distinguishable. And I thank you for that

1 opportunity to do so.

2 And that's all I have. Thank you very much.

3 CHAIRPERSON PAPARIAN: Thank you.

4 Evan Edgar.

5 MR. EVAN EDGAR: Evan Edgar, Edgar Associates.

6 I'm the field engineer for the California Refuse Removal
7 Council.

8 I'm on the road from Azusa and San Diego. I used
9 to do a lot of windshield time in the field. And I've
10 seen stockpiles of C&D throughout the state. And when
11 I've seen stockpiles, I see waste as debris as waste. I
12 have two handouts in two case studies to share with you
13 today.

14 The first handout a 1997 Waste Board staff report
15 on AB 2136. This is where a mobile debris box disposal
16 site was funded by AB 2136 money for \$300,000 to clean up
17 a C&D recycler. And this is where the Waste Board spent
18 good money on a person claiming to be a recycler. This is
19 one of many case studies.

20 The second handout is from the Fresno Bee from
21 2000. Waste industry -- I mean C&D recycler from Fresno
22 has a million dollar clean-up on his hands, and the
23 property owner can't pay it.

24 Be ready for another 2136 application from Fresno
25 on this very same site.

1 I'm sure there's other 2136 applications ready to
2 come to the Waste Board because a lot of these C&D
3 recyclers, they have the waste, they have not the funding
4 to process or manage this waste stream.

5 Thank you.

6 CHAIRPERSON PAPARIAN: Thank you.

7 Steve Smith.

8 MR. SOUTH: Thank you, Mr. Chairman, Members of
9 the Committee. Actually my name is Steve South. I'm the
10 Chief Operating Officer of a family owned and operated
11 EDCO Waste and Recycling.

12 CHAIRPERSON PAPARIAN: Sorry about that.

13 MR. SOUTH: It's a common mistake. So I thank
14 you.

15 We're pleased to be here and we thank the
16 Committee members and certainly staff for the opportunity
17 to participate in this process.

18 As I mentioned, we are a family owned and
19 operated company. We're one of the largest recycling
20 companies in the State of California. In that role, we
21 actually have had a unique facility for many years. We're
22 the operator of a nonputrescible 200-ton-per-day transfer
23 station.

24 There was a permit restriction of zero
25 putrescibles being allowed into the facility. So it often

1 created very, very challenging situations in terms of
2 defining putrescible content. And long, long discussions
3 with the LEA's. The inspections were very, very
4 subjective and placed not only the LEA but also the
5 hearing panels and, in turn, potentially the Waste Board
6 in challenging positions on any appeals through the
7 process.

8 And, again, the issue that consistently arose was
9 mix waste loads. Mixed waste loads that theoretically
10 were C&D that had either hazardous material inadvertently
11 disposed in it, putrescible material on an ongoing basis,
12 and how we define that. When we defined it as one percent
13 of volume by -- or zero percent or ten percent with
14 residue, by day, by week. There were a variety of
15 situations that created an extraordinarily challenging and
16 very, very subjective situation for each of the LEA
17 inspectors when they came to the field.

18 And so, you know, we stand before you and we were
19 offering four recommendation, and most of which you've
20 already heard today and I think hopefully we're moving in
21 that direction.

22 Point 1: We'd ask that you bring this issue back
23 to the October meeting. And that in 60 days, between now
24 and the next meeting, that staff do a number of field
25 visits. We think that would be a tremendous, tremendous

1 resource for this Committee to have, as well as Committee
2 members themselves, to take a look at some of these loads
3 coming in, take a look at the inert inert situation.
4 Certainly I think you'll find that all of the industries
5 want to come to a common solution that does not jeopardize
6 the health and safety of Californians.

7 Point 2: We would ask that you go to a 45-day
8 comment period when you do bring back the issue. We think
9 given the extraordinary amount of comment that you've
10 heard on the previous 45 days, that it merits another 45
11 days of comment.

12 Point 3: We would ask that C&D mixed facilities
13 be limited to 100 tons per day, 100 tons per day.

14 Point 4: We would ask that you continue and
15 maintain the term "waste" and not convert to "debris." I
16 may have misunderstood, but I thought I heard staff say
17 they were essentially the same. And if they are the same,
18 let's just keep the term the same.

19 With those four recommendations, we're pleased to
20 be here and we thank you for your consideration.

21 Thank you.

22 CHAIRPERSON PAPARIAN: Thank you.

23 And, finally, Frank Alegre.

24 Did I pronounce your name right?

25 MR. ALEGRE: Alegre. I've been called worse,

1 allergy and a few other things.

2 My name is Frank Alegre. I live at Lodi,
3 California. And I'm in the recycling business, concrete
4 asphalt. I've been in the trucking business for 40 years.
5 Been in the materials business for 30 years. And the
6 recycling business now for 12 years.

7 We strictly recycle concrete asphalt and dirt.
8 And like the gentleman from Hanson, we take in dirt. Dirt
9 is all part of construction. We screen out. We call
10 materials that come in with other products other than
11 rocks or blacktop, that have a little wood or plat, we
12 call it contaminated.

13 We make a product that has to be sold to the
14 State of California, the counties, the cities. It has to
15 be a Class 2 State spec, cannot have any foreign debris in
16 order to pass spec.

17 So we are very harsh on people bringing in wood,
18 plastics, and other debris other than dirt or asphalt.
19 What we do with the dirt from the asphalt, we screen it
20 out. We make a nice fill out of that. And we grind the
21 asphalt.

22 But I think what you need to do -- is I'm so
23 confused with this regulation stuff -- that we need to get
24 down to two items. I want to see anything made out of
25 concrete asphalt, any concrete products separated. These

1 are the rules. And the rules may be some of the ones
2 that -- wood and plastic are under. But with
3 commingling -- rock, asphalt, dirt does not commingle with
4 wood, plastic, and the others. So I would like to see a
5 set of rules for the concrete asphalt recycling so that I
6 can understand them, and anybody else.

7 I appreciate the comment by Mr. Jones about the
8 people who go off site and have demolition jobs. They're
9 the worst. They come in there and they start to in
10 outside material. If you want to promote good recycling
11 in this State and clean recycling, you need the site
12 specific and approved by EPA and whatever else, counting
13 pollution.

14 What happens to these sites, we had it just
15 downtown Stockton, a site right in the middle of town.
16 They come in with a crusher, turned out, they're creating
17 dust right in the middle of town. Number 1, it was not a
18 heavy duty area like we have to be in. But they started
19 bringing in concrete. "Oh, what are you bringing that in
20 for?" "Oh, we're going to fill the site." Well, all of
21 sudden they're hauling the gravel out. And they're
22 bringing dirt in to fill the site. So you had a
23 competitive operation right down the street from ours,
24 which I did not appreciate.

25 I think you need to limit it to -- if you're

1 going to crush on site and you have a job and the
2 material's going to be used on that site, fine. But you
3 don't bring nothing in and you take nothing out other than
4 the debris. I think you need to have a source of -- the
5 originator of this debris sorted at site, especially in
6 demolition. When you start contaminating wood and
7 plastics and metal windows and glass with concrete, you
8 ruin what you want, the product that you can recycle and
9 use back to save our resources. Concrete asphalt can save
10 the resources, which we're limited today with the rock,
11 sand and gravel pits that we have.

12 But if you contaminate that, allow that to be
13 contaminated on site, it doesn't get done. It doesn't
14 make the spec, we won't accept it. I've turned loads
15 away.

16 So this is all I'm asking is that concrete
17 asphalt, dirt be segregated. I think that recycling
18 should be done in recycling yards, set up with water like
19 we do. And if you do have recycling on job sites, then it
20 should be only the material that's there.

21 And you have to be -- another thing we're seeing
22 a lot of is people taking and bypassing legal dump sites,
23 taking and dumping concrete out here. Go down I-5, just
24 south of Stockton, past French Camp Road and look to the
25 right. Guy's got a whole string of concrete laying out

1 there. Looks like heck. And they keep dumping there and
2 it's not even a legal area. Yet they're getting away with
3 it.

4 Those are the things you want to do. You're a
5 Waste Management Board. Clean up the state. And you've
6 got to make rules that protect us, but also protect the
7 taxpayers. And we shouldn't have to be the ones that go
8 out and have to clean up sites that somebody else created.

9 So I'd like to see something come out of this
10 that we can understand and something that we can live
11 with.

12 CHAIRPERSON PAPARIAN: Thank you very much.

13 Mr. Walker.

14 ACTING DEPUTY DIRECTOR WALKER: Okay. Let me try
15 to give you an idea of where we would suggest going with
16 this.

17 An option -- again, this is a public hearing.
18 We've gotten a lot of good testimony, a lot of good
19 comments that we'll be able to work on.

20 Right now what we can do is to reconvene the
21 stakeholder group. And then any folks here who are not
22 directly involved in that, they can contact Allison or
23 Mark to make sure they're on there.

24 We can get together. We can try to come up with
25 some options to come back in September. Some of those

1 options may be restarting a 45-day comment period again,
2 or possibly narrow some of these differences. I mean we
3 heard some things here we may be able to help resolve with
4 further meetings with stakeholders.

5 So with that, we'd suggest kind of that direction
6 and perhaps come back in September and give you some
7 options.

8 But, again, we would like to -- you know, this
9 would be the close of this particular public hearing on
10 that 45-day comment period. It's a formal period that's
11 been noticed. And this would close that out. And we
12 certainly would have more -- much more opportunity to come
13 back and, you know, restate the 45 day again, restart it.
14 We could extend the 15 day if we could narrow the
15 differences, a number of options we could give you.

16 CHAIRPERSON PAPARIAN: So you're suggesting
17 coming back to the Committee in September?

18 ACTING DEPUTY DIRECTOR WALKER: We intend to come
19 back in September.

20 CHAIRPERSON PAPARIAN: And it seems -- you know,
21 from what I've heard today, it seems that some of the
22 testimony points towards stuff that simply needs
23 clarification, better definition, or dealing with possible
24 inconsistencies. Some of it, however, seems to deal with
25 a basic policy choice, either find something this way or

1 this way. You know, you go with this many tons or this
2 many tons. And maybe those are the kinds of things that
3 ultimately you might need some Committee direction on how
4 to proceed.

5 So --

6 ACTING DEPUTY DIRECTOR WALKER: And then we could
7 narrow those options to specific alternatives.

8 CHAIRPERSON PAPARIAN: Mr. Jones, do you have a
9 comment?

10 COMMITTEE MEMBER JONES: No. I agree with the
11 direction that you've given staff. I think the one thing
12 that I'd feel more comfortable about is if there was at
13 least an acknowledgement that in September we'll still
14 continue this for 45 days. I mean I get nervous when one
15 of the options is that it could be a 15-day hearing. And
16 I do that because I think it was critical what the
17 aggregate folks brought up. I mean we can clearly look at
18 that in one part of these regs real specifically.

19 But we need to deal with what Mr. Alegre said
20 on -- because I've brought it up before, are these guys
21 that set up and then start bringing in material to a job
22 site instead of a yard that somebody actually knows about.
23 It creates a problem. So I think that's something we've
24 got to really deal with.

25 And then -- I mean I think that, you know, as

1 long as they're leaving here, they've heard the material
2 and they've heard the questions that the Board members
3 have asked, I think they should have a pretty good idea of
4 where we're coming from.

5 And then just know that we're going to need
6 another 45-day period, I'd feel comfortable with that.
7 Because I don't want to see this go to 15 days without
8 letting us make those policy options that you directed
9 them to give us.

10 CHAIRPERSON PAPARIAN: Any other thoughts from
11 Board members?

12 Mr. Walker, you seem to be nodding your head.
13 You're comfortable with that?

14 ACTING DEPUTY DIRECTOR WALKER: Yeah, we can -- I
15 mean we can certainly, any way you cut it, allow for a
16 45-day comment period, whether there's specific changes
17 proposed or whether it's a whole new 45-day comment
18 period. We can accommodate that, yes.

19 CHAIRPERSON PAPARIAN: Okay. Let's proceed in
20 that direction.

21 We are now ready to move to Item F, I believe it
22 is, which is the composting.

23 ACTING DEPUTY DIRECTOR WALKER: Yes, Item F is
24 discussion and request for direction on noticing revisions
25 to the proposed regulations for compostable materials

1 handling operations and facilities regulatory requirements
2 for an additional 15-day comment period. And this is
3 Board Item 7.

4 And I'm going to really cut it quick with my
5 introductory comments here. I just want to say it's a
6 very, very difficult package, complicated. We've been
7 working very hard on it. Staff's done an excellent job.
8 An unprecedented amount of participation from interested
9 parties.

10 And believe it or not, I think Jeff -- as you
11 see, he's got some crutches here. And green waste -- yard
12 waste finally got at him because a branch fell on his foot
13 hurt him this weekend.

14 In this item we are requesting the Committee to
15 direct staff to notice modified regulations for a 15-day
16 comment period. And these modifications were made after
17 an exhaustive review of comments received during the
18 45-day comment period, and also the public hearing which
19 was separate.

20 We feel this package has broad support, and we
21 are optimistic that completion of the process is near.
22 However, as with almost -- all complicated reg packages,
23 we cannot make everyone happy.

24 With this Committee's approval, staff would be on
25 target to come back for final adoption in October. And

1 this would allow the Board to comfortably meet their SB 88
2 deadline. As you may recall, SB 88 requires that unless
3 the Board adopts and submits these regulations by April
4 2003, the Board will no longer have jurisdiction over
5 owners of compost facilities, and jurisdiction will revert
6 to the local air districts.

7 There's a lot of emerging issues in organics that
8 are just beyond the scope of this package. And we will
9 work on those in a Phase 2 effort upon completion of this
10 Phase 1.

11 And with that I'll hand off to Bob Holmes, who
12 will continue our presentation.

13 MR. HOLMES: Good afternoon, Mr. Chair.

14 Just real quickly to go over the rule-making
15 status of this package.

16 We had -- of course, as Scott mentioned, had a
17 fairly extensive informal development of these regs. We
18 had a 45-day public comment period that ran from March
19 29th through May 13th. And we had the public hearing on
20 May 14th.

21 That brings us to the changes that staff are
22 suggesting based on those comments received during the 45
23 days and the public hearing. And we'll be asking that you
24 direct us to notice those for an additional 15-day comment
25 period today.

1 We have already mentioned in the item previous to
2 this the overlap and interface of the multi-material
3 chipping and grinding. Obviously because of the chipping
4 and grinding portions of this package, the compostable
5 material package, that issue is also related to this
6 package. But we do feel again because of the
7 source-dependent nature of the C&D regs, that that is
8 really the place where that issue needs to be addressed,
9 and that it will not hinder the progress of this package
10 through the rule making process.

11 --oOo--

12 MR. HOLMES: With that, I would like to hand it
13 over to Jeff Watson to go over some of the key issues that
14 were raised during the public comment period and the
15 public hearing.

16 MR. WATSON: Jeff Watson, P&E Division.

17 We received over 300 comments, of which we made
18 changes over -- the changes we made related to several
19 hundred of those comments.

20 Some of the comments were global in nature and we
21 couldn't make specific changes to the regs. Otherwise we
22 ended up with reg changes that could be summarized as
23 follows:

24 We changed the definitions to give greater
25 distinction between agricultural material, food material,

1 and green material. We increased the amount of physical
2 contaminants allowed in green material, from a half
3 percent to a full percent. We added language under
4 disposal that explicitly prohibits a certain land
5 spreading of material. We added language that clarifies
6 manure now as an ag material.

7 We've excluded several types of facilities that
8 we now consider belong below regulatory concern. We
9 clarified the amount of time -- residence time that
10 agricultural materials could resided on site before
11 processing. And we made other kind of consistent changes
12 with that, to make ag material sites less of a
13 consideration when it comes to materials leaving off site.
14 In other words, they're not a producer, they're a user.

15 Then the major reason why we had this package
16 developed was the slotting in a permit tier or the permit
17 regulatory aspects of chipping and grinding. We did that
18 work. And then in this particular 45-day comment period,
19 we made changes to the sizes of these facilities and gave
20 them a tiering very similar to the C&D regs that -- and so
21 our numbers match up, for instance, the 500 tons per day
22 figure and our regs matches up with the 500 tons per day
23 in the current C&D regs.

24 And then we had a couple of other -- we do have a
25 relatively comprehensive preexisting permits and

1 notification section that we made substantial changes to
2 to allow a more fluid change between this reg package and
3 the existing.

4 That's about it.

5 Are there any questions?

6 CHAIRPERSON PAPARIAN: Okay. No questions?

7 Okay. I think we're ready for public testimony
8 on this one.

9 I have several comment slips. And I think I'll
10 go back to the three-minute rule on this one as well.

11 If can you keep it under three minutes, that's
12 wonderful.

13 I have Denise Delmatier, followed by Chuck
14 Helget, followed by Charles White, followed by Paul Ryan.

15 MS. DELMATIER: Mr. Chairman, Members of the
16 Board, Denise Delmatier with the NorCal Waste Systems.

17 Unlike the previous regulatory package, we do
18 think this package is practically fully baked. And anyone
19 who understands the baking process, we're now in the
20 browning stage.

21 We urge the Board to send these out for a 15-day
22 comment period. We have submitted a letter with what we
23 would consider kind of housekeeping types of
24 recommendations for amendments to the regulatory package.
25 We would encourage the Board members to direct staff to

1 incorporate those technical amendments. But other than
2 that, we think this package in particular has been in
3 awfully good shape.

4 And I want to acknowledge Mr. Watson, who has
5 been working on this package for several years now. And
6 I'm saddened to see that he has undergone compost overload
7 in his recent injury. That must be extremely painful, and
8 I'm sorry that happened to him over the weekend.

9 But in any event, this package is in darn good
10 shape. Appreciate it.

11 CHAIRMAN PAPARIAN: Chuck Helget.

12 MR. HELGET: Mr. Chairman, Members of the
13 Committee, Chuck Helget representing Allied Waste.

14 We too agree that these regulations are ready to
15 go out for 15-day comment. I only have one item that I'm
16 going to raise for the Committee's consideration. I've
17 talked to staff about this as well.

18 There's a section in the bill -- or in the
19 regulatory package that deals with compostable materials
20 and excluded activities. On the draft that I'm looking
21 at, it's Page 8. And the provisions of the regulations
22 exclude compostable materials -- the handling of
23 compostable materials at solid waste facilities.

24 If the activity is located at a facility that has
25 a tiered and full permit, and if the facility -- the

1 report of facility information is complete and submitted
2 and has this activity identified within it, we're
3 concerned that this exclusion would allow solid waste
4 facilities to do a large amount of composting or a
5 potentially large amount of composting. And we believe
6 that this type of activity should be quite regulated under
7 a composting permit.

8 We've talked to staff about this, trying to get
9 it to an extent to which this activity is being covered by
10 this Regulation. So we'll leave that out there as one
11 where we still have potentially a concern.

12 That's it.

13 CHAIRPERSON PAPARIAN: Thank you.

14 Chuck White, followed by Evan Edgar, then Paul
15 Ryan.

16 MR. WHITE: Thank you, Mr. Chairman, Members of
17 the Board. I'm Chuck White with Waste Management.

18 As Denise indicated, and Chuck Helget, we are --
19 do believe this set of regulations is almost fully cooked.
20 The industry group did submit a letter to yourself,
21 Chairman of this Committee, on August 6th, indicating that
22 there were some issues that we felt need further
23 clarification resolution before the regs were finally
24 adopted. So we're being in a sense a bit of a bind
25 because we want you to proceed rapidly to get these

1 regulations fixed. The most effective and efficient way
2 would be to incorporate our suggested changes into this
3 public notice. The concern is that if it's not
4 incorporated in this 15-day notice, that there might -- we
5 might be coming back and asking you for another 15-day
6 notice in October. And that puts us into a kind of a
7 conflict because we want this rule-making package to go
8 through pursuant to the requirements of legislation on
9 composting.

10 We hope we're not -- we don't get ourselves in a
11 bind, in a conflict where we're anxious for these
12 regulations to get adopted, but at the same time asking
13 for further clarifications that are necessary.

14 And so we are worried about this potential
15 dilemma facing us down the road.

16 There are a number of comments related to whether
17 these are in conflict with transfer and processing
18 regulations and how the term "transfer" is used. There's
19 concern about soil paper products and how they would be
20 regulated in these composting regs. And we've asked for
21 some further clarification of these.

22 One area that caught us by particular surprise
23 was the chipping and grinding. For many, many months
24 there was a proposal to have a -- essentially allow a
25 thousand tons per day to be processed under the

1 Registration tier. The proposal is to go to 500 tons per
2 day. We're not necessarily concerned or opposed with
3 that. We just simply wanted to know what the basis in the
4 record was for basically lowering it from a thousand to
5 500. I've been assured that the staff believes there is
6 adequate health and safety evidence that 500 is the
7 appropriate number. With that understanding, and
8 hopefully that information will be presented to us for
9 public review at some point in time, that we could
10 certainly live with the 500 level.

11 Also, the issue in these regs is the
12 multiple-waste-stream-type problem with the C&D regs.
13 We've got chipping and grinding in this package. We've
14 got chipping and grinding in the C&D. And there's other
15 types of materials that also may be chipped and ground.
16 And we're very anxious to make sure that this is resolved.
17 We certainly encourage you to go ahead with these
18 composting regulations. The staff has assured me that the
19 intent is in the C&D regs, which will be coming along
20 later, try to address these multiple waste stream
21 problems. And we would certainly look forward to working
22 with the Board and the staff on that. But they are -- it
23 is an issue of continuing concern.

24 Thank you very much.

25 CHAIRPERSON PAPARIAN: Mr. Jones.

1 COMMITTEE MEMBER JONES: And I'm assuming when
2 you say multiple waste, I mean you're saying -- they're
3 all wood -- they just go to different end products?

4 MR. WHITE: Different end -- they may go to
5 different end products, but they come from different
6 sources. You know, you have compostable material from
7 green waste. There's chip and ground. You've got
8 noncompostable C&D waste as chip and ground. You've got
9 stumps and logs that may be chipped and ground. You've
10 got a wood manufacturing operation that has wood waste
11 that comes -- that may be chipped and ground. All of
12 these -- we're a little bit anxious to understand exactly
13 how a chipping and grinding operation that handles all of
14 these kind of materials would be regulated under these
15 multiple sets of regulations that address chip and
16 grinding. I talked to Scott, I talked to other staff. I
17 received assurances that the intent is to make it clear
18 down the road. But until -- you can imagine, it makes us
19 a little nervous when one package goes forward -- leaps
20 out forward and addresses it clearly in one way, that in
21 this case 500 tons per day for compostable materials,
22 without being clear how the rest of the picture's going to
23 be filled in with the other packages. But we've got great
24 faith in the Board and great faith in the staff, and we're
25 certainly willing to bide our time for the time being

1 until we see how this picture becomes a little more clear.

2 COMMITTEE MEMBER JONES: I think I can appreciate
3 your problem. I think it was a company that my company
4 used to own.

5 But I think we have to be very, very consistent
6 with the need to regulate the whole. Because when we
7 start wondering what the assumption is of the operator,
8 that seems to me that that's how all those windows got
9 open for people to abuse. And, you know, as much as I can
10 appreciate your dilemma, I don't think I'm comfortable
11 with opening a window that our C&D regs are trying to
12 close. You know what I mean?

13 So if a facility operated by the law in one of
14 these things and needed to be regulated, what's the kind
15 of timeframe -- we're not talking about cease and desist
16 or anything like that. We're talking about a process to
17 fit into whatever category you guys ultimately decide.

18 There is going to be time for facilities to get
19 whatever the proper tier is. Okay? I mean -- and then
20 you're -- I don't know the specifics of your issue, but I
21 can kind of sense it as I'm listening to you.

22 MR. WHITE: I'd be happy to go into specifics if
23 you'd like. We have several specifics.

24 COMMITTEE MEMBER JONES: No. But, you know, it
25 was like -- sometimes we've got to be careful not to throw

1 out the baby with the bath water. And that would be my
2 concern. Because any time I have to worry about what
3 somebody's thinking, it scares me.

4 MR. WHITE: We have no problem with the proper
5 level of regulation. We would just like to understand
6 what that proper level is, and that's all we're asking.

7 COMMITTEE MEMBER JONES: Okay.

8 CHAIRPERSON PAPARIAN: Okay. Evan Edgar,
9 followed by Paul Ryan, then Mike Falasco.

10 MR. EVAN EDGAR: Thank you, Board Members. Evan
11 Edgar, Edgar Associates, on behalf of California Refuse
12 Removal Council.

13 This has been a five-year organic odyssey of this
14 package with regards to starting out slotting, chipping
15 and grinding in 1997. We're glad this is here today.

16 SB 88 was passed a few years ago, which required
17 this Board to operate -- in the regulations have an odor
18 impact minimization plan by April 1, '03. And we'd love
19 to see this package to go forward, and strong support, in
20 order to make that deadline.

21 We believe that the LEA with the Waste Board has
22 authority and the tools and responsibility to regulate
23 odors at these compost facilities. And with this
24 regulatory package by having an odor impact minimization
25 plan within the regulations by April 1, '03, we would

1 strongly support that.

2 Plus we have a clarity of definitions. We have
3 more ag markets for clean green material. We slotted
4 chipping and grinding. And we have Phase 2 for clean-up
5 items. We have a lot of new issues on the table for Phase
6 2, for sods, coparilid, PR 1133 and CCA wood wastes and
7 metals. So we have a lot of good issues for Phase 2. So
8 with that said, we strongly support this regulatory
9 package to move forward to hit the deadline for the odor
10 control plan.

11 Thank you.

12 CHAIRPERSON PAPARIAN: Thank you.

13 Paul Ryan.

14 MR. RYAN: I'm Paul Ryan speaking on behalf of
15 the CRRC South and the Inland Empire Disposal Association
16 and the L.A. County Waste Management Association.

17 I too encourage the Board to continue on the
18 process of developing these regulations. As noted by the
19 other speakers, it looks like these regulations are near
20 completion. I'm hoping that within the next 15-day period
21 we can come up and resolve the outstanding issues.

22 I'm extremely concerned that these regulations
23 move forward in a timely fashion because I'm one of those
24 ones deeply involved with the PR 1133 issues in the south.

25 As it stands now, some of the issues that Mr.

1 White has mentioned I think you're going to get resolved
2 in the future, because some of the very things that he's
3 raised are also being raised with South Coast. So I'm
4 hoping that as we -- the industry works with the Board and
5 the regulators in South Coast, that we can come up with
6 equitable solutions.

7 You know, I'm one that wants to make sure that
8 they Integrated Waste Board maintains primacy in this
9 area, and we're willing to support anything and help you
10 with anything that we can.

11 Thank you.

12 CHAIRPERSON PAPARIAN: Mike Falasco, followed by
13 Javier Polanco, followed by Teresa Eade.

14 Good to see you, Mr. Falasco.

15 MR. FALASCO: Yes, sir. Good afternoon, Mr.
16 Board Members. Mike Falasco, Wine Institute.

17 We're here to -- first of all to compliment
18 staff. I think that Mr. Watson and Mr. Block and the rest
19 of the staff did a very good job in revising these regs.
20 We were concerned they were not going to be farmer
21 friendly. They are. So we're here today in support.

22 CHAIRPERSON PAPARIAN: Thank you.

23 Javier Polanco.

24 MR. POLANCO: Hello, Board Members. I'm Javier
25 Polanco with the City of Los Angeles.

1 We're opposed to the language in the compostable
2 material regs. The half percent contaminants classifies
3 that material as a mixed solid waste instead of green
4 material. This would essentially -- requires that be
5 labeled as a transfer station and apply for those permits.
6 It's something that -- we're processing green material,
7 and our contamination rate is about five percent.

8 And so we feel that is too stringent, to be at
9 half a percent. This would mean that the City of Los
10 Angeles would essentially have to dispose of 440,000 tons
11 of curbside green waste at a landfill if our processors
12 and our existing city facilities could not get a transfer
13 station permit.

14 The other issue is that the holding time -- we'd
15 like to see the holding time be more in relation to what
16 AQNB had said aside, three days plus holidays, because we
17 do have extended holiday weekends being city employees.
18 And also there's equipment failure issue that come up from
19 time to time. So the city recommends that instead of
20 going forward with the 15 days, that we go ahead and have
21 more review and discussion about not damaging existing
22 green material chippers and grinders.

23 CHAIRPERSON PAPARIAN: Mr. Jones.

24 COMMITTEE MEMBER JONES: Thanks, Mr. Paparian.

25 The -- I mean if you're running five-percent

1 contamination, are you guys pulling that out or your
2 processors pulling it that out?

3 MR. POLANCO: Well, we're a curbside program.
4 So, you know, it comes in directly from curbside. And
5 then from there -- at our facility we have a picking
6 station where we pick out the contaminants. And so in
7 products it's less than five percent. But the incoming is
8 at about five percent coming in from our curbside program.
9 And we do have three separate containers for our
10 recyclables and our refuse and our green material. So
11 it's source separated at the curb. Right now we're
12 running at about five percent.

13 COMMITTEE MEMBER JONES: Is the concern the
14 ability to get the permit or is it -- what's the concern
15 of the City of L.A., the fact that they're afraid they
16 won't get the permit?

17 MR. POLANCO: Yeah, that's their big concern,
18 that we won't get the permit.

19 COMMITTEE MEMBER JONES: Okay. So like the issue
20 that Mr. White brought up, that, you know, clearly -- they
21 have a great operation, but they've got parts of the city
22 that are going to throw away garbage in with the green
23 waste, and that's where their contamination's coming from.
24 And I'm sure that -- you guys do work with those local
25 routes to --

1 MR. POLANCO: Yeah, we work with those routes and
2 get the public information out.

3 COMMITTEE MEMBER JONES: There'd be plenty of
4 time for them to -- I mean you're not going to put them
5 out business, right?

6 ACTING DEPUTY DIRECTOR WALKER: Correct. There's
7 a phase-in period for -- they're going to have some time
8 to get a permit upgraded.

9 The other thing too is we're raising it. Instead
10 of the .5 percent, it's raised up to 1 percent.

11 COMMITTEE MEMBER JONES: Yeah, I understand that.

12 ACTING DEPUTY DIRECTOR WALKER: So they will have
13 opportunity to -- they have plenty of opportunity -- and
14 maybe Jeff can add in. I think it's up to two years.

15 Jeff.

16 MR. WATSON: Yes.

17 MR. POLANCO: At one time it was 10 percent, and
18 now it's reduced --

19 ACTING DEPUTY DIRECTOR WALKER: Right.

20 I think we're pretty confident that -- you know,
21 there is considerable time for them to upgrade. And then
22 there's also existing facilities that they could use.

23 COMMITTEE MEMBER JONES: Okay. And it's going to
24 be a green waste processor, that because of too much
25 residual and contamination is going to have to go up to

1 the next tier to protect public health and safety.

2 And I think it needs to be -- we've got to be
3 sympathetic to the City of L.A. to make sure that this is
4 phrased in a way that they're not just building another
5 transfer station. You know, they're working on a green
6 waste facility that has -- you know what I'm saying -- so
7 that we don't put a stigma on what they're doing, so that
8 it's easier to get through the process by calling it what
9 it really is. So I would just hope that would make L.A.'s
10 life a little easier because -- you know, I know what they
11 would like. I don't think I could support exactly what
12 they'd like. But it would seem to me if we worked on it
13 that way, to make sure that they got into whatever tier
14 they needed to, that would accomplish both, you know.

15 Does that make sense?

16 MR. POLANCO: There is some confusion about the
17 recycling center regs also, you know, just what tier would
18 we fall into. We could be considered a recycling center
19 at one end and green material processor at another, a
20 transfer station at another. You know, if it's transfer
21 station, we can't operate. That's half a million tons of
22 material going to the landfill.

23 CHAIRPERSON PAPARIAN: Okay. Thank you, Mr.
24 Polanco.

25 Let's see, next I had Teresa Eade, Alameda County

1 Waste Management Authority.

2 MS. EADE: Thank you for your time today. My
3 names is Teresa Eade with the Alameda County Management
4 Authority and Recycling Board. I'm a Senior Program
5 Manager there. I addressed the Board on the May 14th
6 public hearing. And I'm back.

7 Our concern mainly focuses on the small end of
8 the compost regs right now. We sponsor with technical
9 assistance and funding on-site institutional composting
10 for both public, private sector or nonprofits. And while
11 staff has addressed some of our concerns in the interim,
12 there are still two large exceptions that I think would
13 need to be addressed.

14 In particular I think overall because projects
15 that are over 500 cubic yards get regulated at the same
16 level as projects that are 12,000 cubic yards, that you
17 have built-in inequities, where projects that have a very
18 minimal potential environmental impact have to meet the
19 same kind of regulation that projects who have a
20 potentially large environmental impact.

21 And in particular, some of our partners with
22 these on-site projects are East Bay Regional Park
23 District, Harrod Area Recreation Department, Alameda
24 County Public Works, Dunsmuir House and Garden, and the
25 Oakland Zoo.

1 I wanted to talk to you in particular about the
2 case of the Oakland Zoo. Under current regulations they
3 are an excluded activity because the volume is so low.
4 With the new regulations they would have to get a new -- a
5 solid waste facility permit because they handle a trace
6 amount of food waste in their composting. We gave them a
7 grant to do that. They have an ag bag system where they
8 compost their exotic animal manures and bedding.

9 They have a program. We've assisted them to even
10 upgrade that. But even prior to our assistance they were
11 meeting EPA regulations on their finished materials.

12 And we gave them -- they have a certain amount of
13 food waste that comes in from their staff from special
14 events. And we've been targeting that. And we hope
15 eventually in the next few years to roll out food waste
16 from the public as that becomes more common practice in
17 Alameda County.

18 But because of that trace amount of food waste,
19 they would be kicked out of the new notification tier into
20 this full solid waste facility permit. Even if they -- so
21 they will be forced to stop composting food waste. And
22 that would be a shame because right now it's being done at
23 the source and reused at the source. There's no
24 transportation. It's the best environmental handling of
25 the material. There are no negative environmental

1 impacts. Their operation is very clean.

2 So it would be very sad to have that project be
3 discouraged in similar projects like that.

4 Also, in the case of the Alameda County Public
5 Works, they would be -- now have to get the notification
6 tier and have to meet a lot of the same kind of
7 regulations of monitoring, load inspection, odor, impact
8 management.

9 And we would like some exception to be made for
10 on-site composting for on-site use. In terms of spread of
11 plant disease, one of the best management practices is not
12 to transport the material -- this is for Sudden Oak Death,
13 for Pine Pitch Canker -- because transporting tends to
14 spread the disease.

15 And so a lot of the risks are contained on the
16 site as well. With the litter, they have a clean
17 feedstock. And they have a big built-in incentive to not
18 spread contaminated material on their own sites when it's
19 for on-site use.

20 So we'd like the Board to direct staff to work
21 with us more. We've had a little bit of difficulty, I'm
22 sad to say, to get staff to respond. I don't know exactly
23 why. I would like to have a greater understanding so we
24 can work with staff. I understand when you're talking
25 about food waste, that you do have public health

1 conditions to be met. But I also -- so I want to be able
2 to work with them and address it, but we haven't been able
3 to get a response to our written and verbal communications
4 at this point.

5 CHAIRPERSON PAPARIAN: Thank you.

6 Go ahead, Scott.

7 ACTING DEPUTY DIRECTOR WALKER: Yeah, perhaps we
8 could respond to that.

9 Jeff, do want to respond to the comments?

10 MR. WATSON: Yeah, there's several issues Elliot
11 and I were kind of discussing.

12 One is the incident on amount of food. We had
13 allowed in this change that 10 percent of the 500 cubic
14 yards that you would be excluded on the lower end. What
15 we have now confirmed with talking to both P&E and -- or
16 P&I staff and some LEA's, that they could live with 500
17 cubic yards of material, predominantly clean green-type
18 material that would have up to 10-percent food waste, and
19 have that as a low regulatory concern. So we have that
20 language in. So it wouldn't be an incidental amount.

21 If it went up to a thousand, yes, the number from
22 500 to a thousand would immediately dump it into a food
23 waste processing facility, which would require -- in most
24 cases it would require a full solid waste facilities
25 permit. It would not be called a full solid waste

1 facilities permit. It would be called noncompostable
2 materials. But it would have all the requirements of
3 that.

4 And then on the other issues, we do have some --
5 if it's an ag material and we're not sure where it
6 really -- would come in. But if it was an ag material,
7 and they use everything on site and they produce
8 everything on site, they're excluded. So I'm not quite
9 sure that at least that concern is not accommodated by the
10 existing regs.

11 The definition for ag materials is incredibly
12 broad, frighteningly broad sometimes. We could explicitly
13 consider a change to include a zoo as an agricultural-type
14 of operation because it's basically the raising or take
15 care of animals, similar to an agricultural.

16 But other than, I don't think we have any relief
17 for Alameda County. If we start opening that up a little
18 too much, we run into all these little people that --
19 little operations that are run that will be collecting
20 food waste and they will be an administrative nightmare
21 for us to try to track down.

22 Our most effective way of finding out about these
23 type of small sites is the narc kind of method where the
24 other guy would think that he's being interfered on would
25 tell on the operation that he believes that he believes

1 that's breaking the law. That's how -- the only way we
2 find out otherwise because they're below regulatory
3 concern. We don't have a way to capture them. It's a
4 very, very thorny issue when we open up the definition.

5 ACTING DEPUTY DIRECTOR WALKER: So I think -- in
6 conclusion I think on this issue we feel we have made
7 significant accommodations for the Alameda County
8 Authority issue that should accommodate their concerns.
9 If not, then perhaps we could -- you know, we will
10 consider their comments as far as the 15 day. And again,
11 you know, with SB 88 deadline, you know, we still would
12 have -- not to say this would be the last 15-day comment
13 period, but we still have the potential for coming with
14 another one.

15 MS. EADE: I just wanted to respond quickly, that
16 I do appreciate the change that they made for the 500
17 cubic yard. They extended that as an excluded activity.
18 And would like to encourage them to keep the dialogue open
19 with us in the time allotted.

20 The one thing that strikes me as being a little
21 odd is that it's okay to have 50 cubic yards of food waste
22 in an excluded activity, but not 50 cubic yards if you're
23 slightly over 500 cubic yards, you know. So in other
24 words you can't have even a trace amount of food waste in
25 these smaller operations. So I think that's sort -- a

1 little -- you know, I don't quite understand the reasoning
2 behind that.

3 CHAIRPERSON PAPARIAN: Mr. Jones.

4 COMMITTEE MEMBER JONES: Mr. Chairman, I would
5 agree with her. I don't think you should allow either
6 one, personally. You know, stay consistent.

7 Mr. Chair, just -- I know that you're trying to
8 move everybody through. We have a Special Waste Committee
9 in an hour and a half -- or in an hour, and two of the
10 members including the Chair are on -- three of the members
11 of this committee are on that committee. So I just
12 thought I'd say that for the benefit of our stakeholders
13 out there.

14 CHAIRPERSON PAPARIAN: We have two more
15 commenters on this package. Just so you know, It's my
16 intention to put over the enforcement order update; and to
17 hopefully, very briefly, get through the landfill gas
18 item.

19 Are you going to need another break? Are you all
20 right?

21 Okay. We'll get through as fast as we can.
22 Thank you.

23 Will Bahx, followed by Jim Hemminger.

24 MR. BAHX: Hi. My name is Will Bahx. I'm one of
25 the owners of Sonoma Compost, as well as on the Board of

1 the California Organic Recycling Council.

2 I'm going to make this very brief.

3 We urge the Board to approve these regulations as
4 soon as possible. As you heard before, I think the air
5 quality is the main issue why I want to have it moved
6 forward.

7 At the same time, I'd like to express to the
8 Board a level of frustration with the process. I don't
9 think that we have been heard or responded to by the staff
10 in the whole process before we came to this table out
11 here. Right now we need to move forward and I urge you to
12 move forward. But I don't think that this process was
13 constructive, that the organization feels that they have
14 been heard. And in the future I'm not sure how we will
15 approach to make this more constructive.

16 And I want to have that there on the table. And
17 I'll probably talk to all of you later on about this here.

18 Thank you.

19 CHAIRPERSON PAPARIAN: Thank you.

20 Jim Hemminger.

21 MR. HEMMINGER: Thank you very much. Jim
22 Hemminger. I represent the Rural Counties / Environmental
23 Service Joint Powers Authority.

24 You may remember, there was before you and our
25 member counties had serious concerns about the previous

1 draft of the regulations, particularly how it would impact
2 small operations and yard waste clearing for fire
3 protection.

4 I did circulate the latest version of the draft
5 to our member counties, solicited feedback. And I would
6 like to acknowledge staff, Jeff and Elliot, for their
7 accommodations. Most of our concerns have been addressed,
8 and we appreciate it very much. We realize that there are
9 a lot of complex and controversial issues here and do want
10 to express our appreciation for taking the time to meet
11 with us and work with us on this. There are some other
12 details, other issues that we do hope to work with staff
13 on within the next 15-day period. But we're confident
14 we'll be able to work those out.

15 So thank you very much.

16 CHAIRPERSON PAPARIAN: Okay. Those are all the
17 comments.

18 I think you've gotten some good information from
19 them. I think the suggestion is going out for the
20 additional 15-day comment period. If there's no problem
21 with that, I think that will be the direction.

22 Thank you.

23 And then, as I said just a few minutes ago, I
24 think Item H, which is Agenda Item 9 on our agenda,
25 related to an update on enforcement orders by LEA since

1 November 2001, we'll put that over until the September
2 meeting.

3 Which brings us to the Item I, the request for
4 direction regarding a long-term gas violation policy.

5 ACTING DEPUTY DIRECTOR WALKER: Mark de Bie will
6 give the staff presentation.

7 MR. de BIE: Mark de Bie with Permitting and
8 Inspection.

9 Thank you, Scott, Chair, Board Members.

10 This issue that has brought us to today relative
11 to the long-term gas violation policy started way before
12 the state audit. And it was noted as part of the state
13 audit. It's the situation, as you may recall, where the
14 Board needs to make a finding relative to compliance with
15 state minimum standards when hearing a permit. We had
16 several sites that had long-term violations, mostly gas,
17 if not definitively gas, where the Board was confronted
18 with that, needing to act on a permit but having an
19 outstanding violation. There was a longstanding policy to
20 assist the Board to deal with that situation. That was
21 found to be inappropriate during the audit.

22 The Board directed staff to work with Board
23 members, Board Member Jones and Board Member Roberti, to
24 develop some regulatory concepts to move away from the
25 policy and towards a regulatory fix for this situation.

1 Staff did that, we've worked with those two Board
2 member offices, and are in front of you today with ten
3 bullets that together are the regulatory concepts that we
4 would like to be directed to begin working informally with
5 stakeholders to eventually develop regulations to again
6 address this situation relative to permits and outstanding
7 violations.

8 I'd be glad to go through these concepts. Staff
9 is viewing these as places to start. The direction to
10 staff to -- in terms of what's in and what's out in
11 discussions with stakeholders, developing regs. It's a
12 place where we'll start.

13 And again we're only requesting direction to
14 start the informal process. Nothing formal as yet.

15 Any questions?

16 CHAIRPERSON PAPARIAN: Questions from Board
17 members?

18 Mr. Jones.

19 COMMITTEE MEMBER JONES: Just a quick statement,
20 Mr. Chair.

21 Number one, staff did a good job. It was a
22 pleasure working with Senator Roberti. We got an awful
23 lot of stuff done.

24 I get a little nervous though when they say this
25 is going to be a starting place, because I think we had to

1 negotiate quite a bit and change positions to get to this.
2 So I hope that that doesn't mean this starts and all the
3 negotiations went out the window. And I don't think they
4 do.

5 MR. de BIE: No, definitely not. I want these
6 ten points to be, you know, the firm basis to start
7 working with stakeholders on and not have new things or
8 different things come in. You know, be focused on just
9 these ten.

10 COMMITTEE MEMBER JONES: Cool. I appreciate the
11 work that you did, and other. And I appreciate the work
12 with Senator Roberti. We both moved. And I think we came
13 up with a direction that's going to make this State that
14 much better.

15 CHAIRPERSON PAPARIAN: Senator Roberti.

16 COMMITTEE MEMBER ROBERTI: Yeah, I was very happy
17 to work with Member Jones. I think we've come up with a
18 good compromise.

19 I would like to ask questions.

20 I'm a little bit nervous that maybe Number 8 is a
21 touch weak. And I just wanted to open it up to comment.

22 If the staff and Mr. Jones might look at it, that
23 the words "other feasible and effective control measures,"
24 probably something better would be "best available control
25 technology." Because that would allow the operators to

1 use the best technology available in order to get rid of a
2 potential problem. The word "feasible" is -- is almost a
3 negative.

4 MR. de BIE: Yeah. A comment about the language
5 used here. At one time in discussions we had -- sort of
6 had an e.g., for example, gas control. And I think the
7 concern was if we left that in at a concept level, would
8 that then lock us in that if you don't have a gas control
9 system as typically thought of, then, you know, then this
10 is not an option. So I think "best available technology,"
11 "best management practice," that's what we're looking at.
12 So we put in the "feasible effective technology" here just
13 to be able to look at all possible control methodology.
14 But I think that this concept speaks to me and staff as,
15 for this to be considered, the operator needs to have
16 other control measures in place or at least the plan to
17 put them in place. You cannot unilaterally expand your
18 landfill operation to control gas on its own. You need
19 something else in place. But we didn't want to lock into
20 dictating exactly what that is or not.

21 COMMITTEE MEMBER ROBERTI: Thank you.

22 CHAIRMAN PAPARIAN: Member Jones.

23 COMMITTEE MEMBER JONES: Yeah. Senator, that was
24 an issue that we had discussed during our things and
25 said -- and left it at that because, who makes the

1 determination as to what's best?

2 COMMITTEE MEMBER ROBERTI: What about the --

3 COMMITTEE MEMBER JONES: The LEA, the Air Board,
4 you know --

5 COMMITTEE MEMBER ROBERTI: What about the word --
6 the word "feasible" -- I think it's stronger with the word
7 "feasible" out, and just say "effective control measures."

8 What do you think? Feasible --

9 COMMITTEE MEMBER JONES: Feasible -- I mean they
10 are operating within a budget. And if somebody wants a
11 Cadillac when a Chevy does the exact same job, who makes
12 the determination?

13 COMMITTEE MEMBER ROBERTI: Well, in this case who
14 would make the determination would be the --

15 COMMITTEE MEMBER JONES: -- operator, the air
16 district, and the --

17 COMMITTEE MEMBER ROBERTI: Yeah.

18 So you want the word -- you like the word
19 "feasible"?

20 COMMITTEE MEMBER JONES: I do, because "best"
21 leaves it up to somebody's interpretation. And remember,
22 this was one we had an awful lot of discussion about.
23 And --

24 COMMITTEE MEMBER ROBERTI: Yeah, I know.

25 Okay.

1 CHAIRPERSON PAPARIAN: Senator, you're okay
2 leaving it then?

3 COMMITTEE MEMBER ROBERTI: I would prefer to
4 strike the word "feasible." But I would more prefer
5 getting these things on the road.

6 CHAIRPERSON PAPARIAN: Okay. So you're okay with
7 leaving it the way it is, I'm hearing. Or would you like
8 a further definition in some way?

9 COMMITTEE MEMBER ROBERTI: We can leave it in
10 this order for public comment, "other feasible and
11 effective control measures." And I would like staff to
12 keep the discussion open, however, what do they think --
13 with the word "feasible" out, so the comment period --

14 COMMITTEE MEMBER JONES: By taking the word out,
15 or have the discussion on --

16 COMMITTEE MEMBER ROBERTI: No, the discussion
17 will be "other feasible and effective control measures."
18 But I don't want discussion limited to that.

19 COMMITTEE MEMBER JONES: Understood.

20 COMMITTEE MEMBER ROBERTI: The draft that is
21 before the public should be what you have right now. But
22 I want people to be invited to discuss the word "feasible"
23 and whether it should be in or out.

24 COMMITTEE MEMBER JONES: That's reasonable.

25 CHAIRPERSON PAPARIAN: I share some of the

1 concerns that the Senator brought up, that what's being
2 asked for in Number 8 is a potential for an expansion of a
3 facility. It may be expensive to put on the control
4 measures, but that expense may be quite appropriate --

5 COMMITTEE MEMBER JONES: I don't have an issue
6 with that.

7 CHAIRPERSON PAPARIAN: -- if in exchange we're
8 giving an expansion of a facility.

9 COMMITTEE MEMBER JONES: I don't have an issue
10 with the expense. I have an issue with the idea that one
11 person is going to determine what "best" means. And
12 nobody knows what "best" is. You know what I'm saying?
13 You can't say, "This system won't work because there's a
14 better one here."

15 CHAIRPERSON PAPARIAN: Right. But I think
16 getting at the concept of "best" I think is -- we're --
17 You're suggesting that one person, you know, pulls out of
18 a hat potentially?

19 COMMITTEE MEMBER JONES: Right, because I've
20 dealt with those people.

21 CHAIRPERSON PAPARIAN: I understand that. But at
22 the same time getting the concept of "best" I think is
23 appropriate. You want to --

24 COMMITTEE MEMBER JONES: You want it to be good.

25 CHAIRPERSON PAPARIAN: Yeah.

1 COMMITTEE MEMBER JONES: I don't have a problem
2 with that. But I just have a problem with the subjective
3 nature of somebody determining.

4 MR. de BIE: Just to get clarification. I'm
5 hearing the Senator that we need to keep "feasible" in and
6 have a discussion.

7 COMMITTEE MEMBER ROBERTI: The discussion should
8 be presented with the language as it is. But I would like
9 comment to be directed toward the word "feasible" so we
10 get input from everyone, people can -- both the --
11 stakeholders of every ideological stripe what the word
12 "feasible" entails. I mean does it entail such a cost
13 analysis that it in effect will negate the word
14 "effective" or is it something that is, you know,
15 reasonable that people shouldn't be able to put something
16 in that is untested, untried, and -- or overly guilded
17 when it's maybe an expense that doesn't do anything too
18 much better than -- are you getting my point? The word
19 "feasible" is important to be part of the discussion. But
20 to be presented to the comment period just this way,
21 "other feasible and effective control measures."

22 MR. de BIE: If you'll bear with me. To me
23 "feasible" could mean economic but also technical. So am
24 I getting direction that when we talk about "feasible," we
25 not limit it just to the economic aspect, but what is

1 technically --

2 COMMITTEE MEMBER ROBERTI: Both.

3 MR. de BIE: -- in terms of technology what's
4 feasible? Because someone may say put in a huge system
5 that just doesn't --

6 COMMITTEE MEMBER ROBERTI: Yeah, my earlier
7 language did have a problem. When I said "best" -- I mean
8 you could have -- the best system could be available in
9 Europe but not here and it might be unreasonable.

10 MR. de BIE: All right. So all aspects of
11 "feasible," not just economic.

12 COMMITTEE MEMBER ROBERTI: All aspects of
13 "feasible," yeah.

14 CHAIRPERSON PAPARIAN: Okay. Anything else on
15 this item?

16 You feel you have sufficient direction on this?

17 Mr. DeBIE: Yes.

18 CHAIRPERSON PAPARIAN: Okay. Anything else to
19 come before us?

20 ACTING DEPUTY DIRECTOR WALKER: No.

21 CHAIRPERSON PAPARIAN: Any public comment?

22 Okay. Thank you very much.

23 We're adjourned.

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(Thereupon the California Integrated Waste
Management Board, Permitting and Enforcement
Committee adjourned at 12:45 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board
7 meeting was reported in shorthand by me, James F. Peters,
8 a Certified Shorthand Reporter of the State of California,
9 and thereafter transcribed into typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said meeting nor in any
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 2nd day of August, 2002.

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